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60TH CONGRESS, 1st Session. } SENATE. { DOCUMENT No. 516.

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MEMORIAL OF INITIATIVE AND REFERENDUM LEAGUE OF AMERICA RELATIVE TO A NATIONAL INITIATIVE AND REFERENDUM.

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Mr. OWEN presented the following

MEMORIAL RELATIVE TO A NATIONAL INITIATIVE AND REFERENDUM.

MAY 25, 1908.—Ordered to be printed.

MEMORIAL TO CONGRESS RELATIVE TO A NATIONAL INITIATIVE AND REFERENDUM.

[Senate bill 7208 and Joint Resolution 94.]

To the Senate and House of Representatives in Congress assembled:

The undersigned respectfully memorialize you for the passage of Senate bill No. 7208, "For a modern system whereby the voters of the United States may instruct their National Representatives," and Senate Joint Resolution No. 94, asking the States to establish the machinery for taking a referendum vote on national issues whenever Congress shall so direct.

It is conceded by the leading men of both the great parties that the need of the times is to decentralize our system of government. There should be restored to the legislative, executive, and judicial departments such powers as will result in the people's protection. That the people are being taxed by some of the private corporations is admitted; as also is the fact that the men and women who produce our country's wealth are outlawed from combining to maintain a reasonable price for their products, while the few great capitalist-monopolists are by extremely ingenious commercial devices and wonderfully crafty schemes appropriating a grossly unjust part of the proceeds of their labor.

The remedy we propose is advocated by the farmers and wage-earners of the country and by hosts of business men, because it will restore their sovereignty. In behalf of these people our bill and joint resolution suggests that there be reestablished a system wherein the voters shall possess an option to ballot directly on national questions, to be used in combination with Congress. A Federal statute, and a statute in each State to provide the machinery for taking a referendum vote whenever Congress shall order it, is all that is required at the start. Our bill proposes the Federal law, and the joint resolution requests the States to provide the referendum machinery, thus leaving it in the control of the States except that the time

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for taking the referendum vote is indicated. Congress can constitutionally indicate the details, for it has sovereign power in Federal affairs. Most of the details in Federal elections are managed by State officials, but the Federal Government has deemed it expedient to specify more and more of the requirements. The facts are set forth in "Notes on the United States Reports" (vol. 9, pp. 839–840).

IS CONSTITUTIONAL, AND WILL BE EFFECTIVE.

The direct voting by the people on national issues is to be advisory only, and therefore the system can be established by Federal statute. The Federal Government, within the scope of its powers, is supreme, and consequently is empowered to provide a system for advisory voting by the people on national issues. The electors' vote will not attempt to legally bind Congress, therefore no constitutional provision will be infringed. The system, however, will be effective, for candidates for the House and Senate will be pledged in writing to obey instructions—that is, obey the will of their constituents when expressed by referendum vote.

Express authority in the Federal Constitution for instructions to Members of Congress is the ninth amendment, as follows:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Among the rights which the people thus retained is the right to instruct. This is evidenced by the fact that at the time this amendment was adopted the bill of rights in four of the State constitutions, namely, of North Carolina, Pennsylvania, Massachusetts, and New Hampshire, expressly reserved the right to instruct, and in all the other States the right was actually exercised. This is admitted in the debates in the First Congress, August 15, 1789. James Madison objected to stating in the Federal Constitution that the people's right to assemble to instruct representatives should not be infringed, because to thus admit the right to instruct would obligate us, he said, "to run the risk of losing the whole system." In other words, the Federalists aimed to suppress the right to instruct, and Madison and his fellow-Federalists succeeded in defeating the amendment then under discussion, namely, that the right to instruct should be expressly stated in the bill of rights, but the people's interests were secured in the ninth amendment, above quoted.

NOT AN EXPERIMENT.

The essential features of the system we propose have been installed in five States for State and municipal issues. The States are Oregon, South Dakota, Oklahoma, Montana, and Illinois. Illinois has the statutory system, similar to the one we suggest, and the other four States have constitutional amendments with statutory details. In Maine and Missouri the last legislature submitted constitutional amendments for the initiative and referendum. In North Dakota the last legislature submitted to the incoming legislature a proposal that it submit to the people a constitutional amendment for the initiative and referendum. In Pennsylvania the last house by unanimous vote passed a bill for the initiative and referendum in cities and boroughs. In Delaware the last legislature by unanimous vote

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established the initiative and referendum in Wilmington—the largest city in the State. In all the other States the movement is far advanced, and many of the members of your honorable body favor a national system.

CHAMPIONED BY EMINENT STATESMEN.

For example, Senator Hopkins, in his canvass for election six years ago, said:

I do not agree with Alexander Hamilton, that the people can not be trusted. I think the experience of more than a hundred years under our constitutional form of government has demonstrated beyond all question that upon all great national issues the consensus of opinion of the great mass of the people has proven better than the judgment of a single man or set of men, I care not how eminent they may have been.

I favor any principle, I care not what it may be called, that will enlarge the power of the people on all questions, State and national, that affect the well-being of the citizens. (The Beacon, Aurora, Ill., October 21, 1902.)

In the campaign of 1800 Thomas Jefferson helped to restore the people's rule and in his inaugural address he said:

Absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism, I deem (one of the) essential principles of our Government and, consequently, (one) which ought to shape its administration.

In Jefferson's day the people instructed at will, as is evidenced by his statement to John Taylor:

Your book (An Inquiry into the Principles of Our Government) settles unanswerably the right of instructing representatives, and their duty to obey.

Jefferson also said:

My most earnest wish is to see the republican element of popular control pushed to the maximum of its practicable exercise. I shall then believe that our Government may be pure and perpetual. (Letter to Isaac H. Tiffany, 1816.)

Abraham Lincoln believed in the people's rule. He was not a follower of Alexander Hamilton. He said: "The principles of Jefferson are the definitions and axioms of free society." (Complete works, vol. 16, p. 263.) Lincoln's most earnest desire was that "government of the people, by the people, and for the people shall not perish from the earth."

Statements by many of the present-day Senators and Representatives are in later paragraphs, together with a list of 114 Members of the House who favor the restoration of majority rule. Thirty-five of these are Republicans, 79 are Democrats.

DETAILS OF PROPOSED SYSTEM.

In the Federal statute we propose the details are carefully worked out. The signatures to each petition are to be verified under oath, as is the case in Oregon and Oklahoma. Petitions are to be filed with the Secretary of State, with provision for testing the sufficiency thereof before a Federal judge, and right of appeal to the Supreme Court, the case to have precedence over all others. The title of each measure submitted is to be framed by a United States circuit judge, with provision for appeal to the Supreme Court. Copies of initiative measures are to be promptly transmitted to your honorable body, where the usual committee hearing can be had and a competing measure framed if you so desire. In every case an argument for and

against each measure is to be prepared. This important work is to be performed by two committees, one representing the petitioners and the other yourself. It is proposed, too, that the argument shall be limited to 2,000 words for a side, of which one-fourth may be in answer to opponents' arguments. Then the joint argument is to be printed, along with the text of the measure and sample ballot, and a copy of the pamphlet shall then be mailed to each voter. This is the only way that the truth can reach the voters. Furthermore, it is the least expensive method, and each voter will pay his share, for it will be at Government expense. This will be far preferable to granting a Government subsidy to the political parties, as proposed by President Roosevelt and others.

Bills and constitutional amendments thus submitted will be open for further discussion for at least three months, and on election day the ignorant and careless voters will, as usual, fail to mark their referendum ballots. This will leave the decision with the intelligent voters.

THE EXISTING SYSTEM OF GOVERNMENT.

Compare the above with the existing system. The party platforms submit national issues, but there is no way whereby the people can vote separately on them. This crude method can not continue, for a better one is developed. This is demonstrated in Oregon and all the other States, for they use the referendum ballot in amending the State constitution and voting upon bond issues and for other important measures. Iowa, for example, at each election has a separate referendum ballot in addition to the one for candidates. National issues must also be separated out. The larger the nation and the more complicated its civilization the greater the need. If this year's national issues could be directly submitted could anyone doubt the result? In Oregon two years ago the vote to tax the monopoly corporations that were escaping taxation was 11 to 1. The corporations did not spend a cent in the campaign. Their attorney when asked about it said, "What's the use!"

In order that you may more fully realize the existing political situation we shall briefly sketch our country's political history.

OUR COUNTRY'S POLITICAL HISTORY.

I.—Debased Party Government, 1844–1908.

The existing system of centralized power was established in national affairs in 1844, and has steadily grown worse. The change was effected without a constitutional amendment and without even a Federal statute, merely by an order of the national committee of the Democratic party. In issuing the call for the election of delegates to the national convention of 1844 it provided that they should no longer be fresh from the people, but three and in some cases four times removed, in order to thwart the people's will. The way it was done is described in the writings of John C. Calhoun and Thomas H. Benton. Calhoun said:

> I hold it impossible to form a scheme more perfectly calculated to annihilate the control of the people over the Presidential election and vest it in those who make politics a trade, and who live or expect to live on the Government. (Benton's Thirty Years in the United States Senate, vol. 2, p. 596.)

II.—State and National Nominating Conventions in Their Purity, 1823 to 1844.

The State and national nominating conventions had arisen during the years 1823 to 1832, in place of party caucuses in the legislatures and in Congress. The system was a vast improvement until so changed that the people could not rule.

III.—The System of Government, 1776–1832.

When the State and National party conventions arose the voters ceased to exercise their right to instruct the members of the legislatures and of Congress, for the pressing issues were considered by the State and national conventions. Previous to this the members of the legislatures and of the National House were pledged by districts, and the voters instructed them at will, except during the Federalists' régime. Instructions were given through the town meetings in New England and elsewhere at mass meetings. But the mere existence of this power in the people was usually all that was required, just as Congress always bears in mind the President's veto power.

IV.—History of the Changes.

These changes in our system of government are not generally known. It was 1888 before the debased party government was fully described. That year there was published a two-volume work by Hon. James Bryce, of England, "The American Commonwealth." His complete and fearless exposure of the then ruling few—and they the crafty and unscrupulous ones—raised up a reform spirit which has continued to the present day and with increasing power. But Mr. Bryce did not point out, nor has there yet been published a collection of the evidence demonstrating that the Revolutionary patriots and their immediate descendants possessed a system through which they instructed at will and therefore were the ruling power. This proof has been collected and we will soon publish it. Until now the isolated facts had not been brought together, for the historians of the past fifty years have been living amid the powerful few and have omitted this data, just as they did that concerning machine and boss rule until Mr. Bryce's book was published.

V.—Effect of Proof that the People Ruled.

This proof of the former existence of a direct-vote system in our country's government places the opponents of the initiative and referendum in an entirely different position. They have been asserting that the prevailing system of government in this country has existed since the days of Washington, Jefferson, Madison, and Monroe, and therefore that the advocates of the initiative and referendum are asking for a new system. But now our opponents' claim as to the earlier form of government is disproved. For fifty-four years the Revolutionary forefathers and their descendants possessed an option to vote directly on public questions, which is the distinguishing feature of the initiative and referendum. Therefore no new principle of government is involved. Besides the opening programme for national affairs, and in some of the States, is merely for the restoration of the right to instruct the men in office. That is the issue.

The earlier system whereby the voters instructed the representatives in the legislatures and in Congress was the town meeting in New England, and elsewhere the mass meeting, as we have said, and the United States Senators from each State were subject to instructions by the legislature. At no time have the legislatures lost this power.

RESTORATION OF THE RIGHT TO INSTRUCT.

In Illinois the people have restored the right to instruct. They did so during 1901. The system is the advisory initiative—that is, it is the same as the initiative except that the people's vote is advisory, but the system is effective wherever the candidates are pledged to obey instructions—pledged that, if elected, they will obey the will of their constituents when expressed by referendum vote. Through this advisory system and the pledging of candidates the questions in connection with the street railway franchises in Chicago were decided by the voters. In Detroit the advisory initiative and the pledging of candidates has placed the voters in control. In Delaware the people have instructed the legislature and governor to install the advisory initiative and advisory referendum. In your National House 114 of the 391 Members are pledged to install the advisory initiative for eight topics and the advisory referendum for acts of Congress and for bills passed by either House. This year our bill is broader because the people's rule has become the paramount issue. We ask for the advisory initiative and advisory referendum and hope to install it as the result of this year's campaign. Merely a Federal statute and State statutes are required. Our plan for securing the required vote in the Senate will presently be stated.

STRATEGIC FEATURES IN WORKING FOR ADVISORY INITIATIVE.

The advisory initiative is frequently misunderstood. It is used merely as the first step in the people's rule movement, because it can be installed by a majority vote and at once; whereas the initiative and referendum system is the result of a constitutional amendment, which requires for its submission a two-thirds vote in the legislature or Congress, followed by ratification by the people, and then a statute must be enacted setting forth the details. The advisory system starts in with these details and thus saves four or more years' time. The system is effective if candidates are pledged to obey instructions, and can at once be used to initiate effective legislative reforms and constitutional amendments. These amendments and bills will be drafted by the people and not by their enemies, as might sometimes occur and does often occur where they are framed in the legislature.

These strategic features are all-important, as, also, is the further fact that the system can be established as the result of a single campaign, which tends to make it the paramount issue. The initiative and referendum can not become the overshadowing issue because it requires years to install the system; while in Federal affairs, under existing party government, it is practically impossible to secure a constitutional amendment for the initiative and referendum.

BETTER THAN A CONSTITUTIONAL CONVENTION.

Another feature of the advisory initiative is that it is better than a constitutional convention, because there is no monopoly of the power to propose amendments. In the proposed national system any group of 650,000 voters can propose an amendment. To secure so many signatures will prevent the presentation of frivolous questions, while the plan for ascertaining the exact facts and getting them before the voters will insure good results. This feature is all-important.

CONSERVATIVELY PROGRESSIVE.

The advisory initiative will also be conservatively progressive, for, of course, the constitutional limitations against confiscation will remain intact, the Supreme Court firmly stand, and both the Executive Department and Congress will be controlled by an old-line party. But the people will have again become the sovereign power. They can get what they want.

THE ARGUMENTS.

The opponents of the people's rule are advancing all sorts of false theories, as heretofore, hoping to deceive the people. Facts are concealed. Men of straw are put up and knocked down.

We who present the people's case are pointing to the facts of history. We refer to the actual results of the people's rule, namely, for its three periods. The first began in 1776 and ended in 1798, when the Federalist party came fully into power. The second people's-rule epoch began March 4, 1801, and continued in national affairs till 1844. The third period commenced in 1898 in South Dakota. At that time the initiative and referendum system was installed.

Our opponents omit all reference to these historical facts or misrepresent them.

The facts are that during the first half of our country's history there was a termination of special privileges in all directions. Primogeniture was abolished, entails were terminated, church and state were separated and religious freedom established, and the free public school system was installed. This led the way to the termination of special privileges among male voters—manhood suffrage was installed, and then under Jackson's leadership occurred "The uprising of a free people."

Contrast that splendid record, with its absence of war and carnage, with the rule of the few since 1844.

Under the rule of the few the tendency has been toward special privileges, corruption, and war. So great have these evils become that all should welcome the peaceful and orderly solution that will come with the restoration of the people's rule. The change has come in Oregon, Oklahoma, South Dakota, Montana, Illinois, and Switzerland. A new civilization is being developed—a free people are living under modern industrial conditions. We urge your honorable body to restore the people's-rule system in national affairs. If you refuse you must make up your minds that when you stand for reelection you will be questioned. You will be explicitly asked: "If the people

will elect you, will you vote to restore their freedom?" And your position will be reported to the voters, who, on election day, will be the ruling power. It is reasonably sure that more than a majority will vote for their own sovereignty. Thus they can free themselves.

Five appendices are herewith attached, namely, a copy each of the resolutions for the initiative and referendum principles by the National Grange, and the American Federation of Labor, also excerpts from the Referendum News for September, 1906, and November, 1906, with additional data interleaved, including statements by Justice Brewer and Senator La Follette; and a statement of reasons why the South needs the restoration of majority rule for national issues.

Respectfully submitted.

INITIATIVE AND REFERENDUM LEAGUE OF AMERICA,
By GEO. H. SHIBLEY,
President.
ROBT. L. OWEN,
Chairman National Committee.

WASHINGTON, D. C., *May 25, 1908.*

APPENDIX I.

THE INITIATIVE AND REFERENDUM.

THE NATIONAL GRANGE ADOPTS A FAVORABLE RESOLUTION.

Resolution introduced by Obadiah Gardiner, of the Maine Grange, reported favorably by the committee on resolutions and passed unanimously by the national body at its forty-first annual session at Hartford, Conn., November, A. D. 1907.

Whereas the initiative and referendum, during the forty years of its gradual spread in the cities, States, and Federal Government of Switzerland, have educated the people and purified their government;

Whereas the initiative and referendum have worked well wherever adopted in cities and States of America, notably in Oregon and South Dakota;

Whereas the principle of the initiative and referendum is a conservative application of the principle of the New England town meeting, a safe extension of self-government to the larger population of cities and States;

Whereas the legislature of the State of Maine, after an experience with the town-meeting principle, as old as the State of Maine itself, has submitted to the people an amendment to its constitution extending so far as possible that town-meeting principle to the voters of cities and the State, through the initiative and referendum;

Resolved, That we favor the discussion of the initiative and referendum in the granges.

APPENDIX II.

PEOPLE'S RULE PROGRAMME OF AMERICAN FEDERATION OF LABOR.

The Twenty-seventh Annual Convention of the American Federation of Labor, at Norfolk, November, 1907, adopted by unanimous vote the following resolution, No. 161:

Whereas the nonpartisan movement for installing the initiative and referendum in our country's government, started by our convention in 1892, and accentuated in 1901 by President Gompers, the executive council, and the annual convention, has since been taken up by most of the nonpartisan organizations that are opposed to the ruling few, and during the past year the movement reached a place where it was sweeping

everything before it, which caused the monopolists and their attorneys to openly combat it or suffer immediate and complete defeat; and

Whereas the issue is so clear that the monopolists' deceptive arguments have not stayed the tide, which should be augmented by the systematic questioning of the candidates that are to come before the primaries and conventions of the parties not yet pledged to the people's rule, each candidate's attitude to be reported to the voters, followed at a later day by the questioning of the nominees, State and national, and the widespread publication of their replies; and

Whereas for the purpose of organizing the liberty-loving people of this country to systematically do this work throughout the United States, also to publish and distribute a campaign text-book, and for the interrogating, funds are absolutely necessary, and, as the object is to terminate special privileges, the funds must come from the people in general, including trade unionists: Therefore be it

Resolved, By the American Federation of Labor in convention assembled at Norfolk, that our executive council be directed to issue in behalf of this nonpartisan initiative and referendum movement an appeal for funds, and to mail a copy to each affiliated union, including the locals attached to the internationals and nationals, also to such of the societies of equity, farmers' unions, granges, woman suffrage associations, and other organizations as it may deem advisable, using, if thought best, a News Letter, entered as second-class mail matter, which publication may be issued as frequently as the needs of the situation may demand, provided the entire cost be defrayed from the special fund; and

Resolved, That the appeal shall designate a trade-union official to receive trade-union funds, the disbursement of which shall be by order of the executive council, or a committee to be named by it; also that the executive council be authorized to take such additional nonpartisan action as in its judgment will promote the cause; and

Resolved, That every voter in the land is urged to agree with his fellow-citizens that he will vote only for such candidates and nominees as are pledged to the restoration of the people's rule. To-day, as in 1776, the establishment of political liberty is the paramount issue. Why should voters choose between would-be rulers, when they can at once become the sovereign power? And,

Be it further resolved, That we proclaim to the world that the epoch-making achievement of restoring self-government to the American people will not be due to any political party, but to the nonpartisan movement, a leading part of which is the federated trade unions.

Appendix III.

[From the Referendum News, November, 1906.]

SWEEPING VICTORIES FOR INITIATIVE AND REFERENDUM.

In the recent election there was a sweeping victory for the people's rule. Six States were carried for some form of the initiative and referendum, and nationally 107 Members of the next House are pledged. This is the revised report. At first it was stated that 104 were pledged. Early next year Oklahoma will elect 5 Congressmen, all of whom will doubtless be pledged. [Four are pledged, also 3 from other States, making a total of 114.]

The report as a whole shows a fourfold gain in the National House in two years, while the number of States that are assured of political freedom is doubled in two years. If this rate of increase continues for another two years—and there is every reason to believe that it will—there will be a majority vote in Congress and a pledged President, with twenty-four States in the initiative and referendum column.

The issue to which the 107 Members of Congress are committed is to restore to the people a system whereby they can instruct by direct ballot on measures concerning interstate commerce (the trusts), civil service, immigration, trial by jury, or any modification of the law of injunction, eight-hour day in Government-contract work, and the submission of constitutional amendments for the initiative and referendum, election of United States Senators by the people, and election of fourth-class postmasters by the patrons of each office.

The names of Members of the next House who thus stand for the restoration of majority rule are herewith presented. Each of those who were opposed by a nominee of one of the two great parties and who refused to pledge are in italics; those who were elected in districts where both the leading nominees were pledged are marked with a star (*); where a statement favorable to the initiative and referendum principle has been given after a report was issued it is indicated by a dagger (†), and where there was no opponent or he was unknown at the office of the National Federation there

is no star or dagger. In a few instances there is no formal pledge. In some cases there is no limitation to the number of topics to which the direct-vote system shall apply at the start.

ROLL OF HONOR.

ALABAMA.

Districts.

1. George W. Taylor, M. C., Democrat.
2. Ariosto A. Wiley, M. C., Democrat.
5. J. Thomas Heflin, M. C., Democrat.
6. *R. P. Hobson, Democrat.*

ARKANSAS.

1. Robert Bruce Macon, M. C.,* Democrat.
2. Stephen Brundidge, M. C., Democrat.
3. John C. Floyd, M. C., Democrat.
6. Joseph T. Robinson, M. C., Democrat.

CALIFORNIA.

4. Julius Kahn, M. C.,* Republican.

CONNECTICUT.

At large. George L. Lilley, M. C.,† Republican.

FLORIDA.

3. W. B. Lamar, M. C.,† Democrat.

GEORGIA.

10. T. W. Hardwick,† Democrat.

ILLINOIS.

4. *J. T. MacDermott, Democrat.*
5. A. J. Sabath,* Democrat.
7. Philip Knopf, M. C.,* Republican.
20. *H. T. Rainey, M. C., Democrat.*
21. *B. F. Caldwell, Democrat.*
23. *M. D. Foster, Democrat.*

INDIANA.

3. *W. E. Cox, Democrat.*
4. *Lincoln Dixon, M. C., Democrat.*
8. J. A. M. Adair,* Democrat.
11. *G. W. Rauch, Democrat.*

IOWA.

2. *Albert F. Dawson, M. C., Republican.*
6. *D. D. Hamilton, Democrat.*
11. *Elbert H. Hubbard, M. C., Republican.*

KENTUCKY.

3. A. D. James,* Republican.
4. *Ben Johnson, Democrat.*

MAINE.

1. Amos L. Allen, M. C.,* Republican.
3. Edwin C. Burleigh, M. C.,* Republican.

MARYLAND.

2. *J. F. C. Talbott, M. C., Democrat.*
6. George A. Pearre, M. C.,* Republican.

MASSACHUSETTS.

11. *A. J. Peters, Democrat.*

MICHIGAN.

2. Charles E. Townsend, M. C., Republican.

MINNESOTA.

5. F. M. Nye,* Republican.
6. C. A. Lindbergh,* Republican.

MISSOURI.

Districts.

1. J. T. Lloyd, M. C.,* Democrat.
2. W. W. Rucker,* Democrat.
3. *J. W. Alexander, Democrat.*
4. Charles F. Booher,* Democrat.
6. *David A. De Armond, M. C., Democrat.*
7. *Courtney W. Hamlin, Democrat.*
8. *D. W. Shackleford, M. C., Democrat.*
9. *Champ Clark, M. C., Democrat.*
10. Richard Bartholdt, M. C.,* Republican.
13. M. R. Smith,* Democrat.
14. *J. J. Russell, Democrat.*
15. *Thomas Hackney, Democrat.*
16. *Robert Lamar, Democrat.*

NEBRASKA.

2. *Gilbert M. Hitchcock, Democrat.*
4. *E. W. Hinshaw, M. C., Republican.*

NEW JERSEY.

4. Ira W. Wood, M. C.,* Republican.
6. *Wm. Hughes, Democrat.*
8. *Legage Pratt, Democrat.*

NEW YORK.

2. *Geo. H. Lindsay, M. C., Democrat.*
8. *D. J. Riordan, Democrat.*
10. William Sulzer, M. C., Democrat.
11. Charles V. Fornes, Democrat.
14. William Willett, jr., Democrat.
16. Francis B. Harrison, Democrat.
18. Joseph A. Goulden, M. C., Democrat.
35. *W. H. Ryan, Democrat.*

NORTH CAROLINA.

1. John H. Small, M. C.,* Democrat.
4. E. W. Pou, M. C.,† Democrat.
8. *R. N. Hackett, Democrat.*

OHIO.

4. W. W. Tou Velle,* Democrat.
5. *T. T. Ansberry, Democrat.*
6. *M. R. Denver, Democrat.*
9. *Isaac R. Sherwood, Independent Democrat.*
13. Grant E. Mouser, M. C.,* Republican.
17. *W. A. Ashbrook, Democrat.*
18. James Kennedy, M. C.,* Republican.

OKLAHOMA.

Elmer L. Fulton.
James S. Davenport.
Charles D. Carter.
Scott Ferriss.

PENNSYLVANIA.

1. Henry H. Bingham, M. C.,* Republican.
4. Reuben O. Moon, M. C., Republican.
10. *T. D. Nichols, Democrat.*
12. Charles N. Brumm,* Republican.
13. *John H. Rotherme, Democrat.*
15. *W. B. Wilson, Democrat.*
16. John G. McHenry,* Democrat.
18. Marlin E. Olmsted, M. C.,* Republican.
19. John M. Reynolds, M. C.,† Republican.
21. C. F. Barclay,† Republican.
22. Geo. F. Huff, M. C.,† Republican.

RHODE ISLAND.

1. *D. L. D. Granger, M. C., Democrat.*

SOUTH CAROLINA.

Districts.
3. Wyatt Aiken, M. C., Democrat.
4. J. T. Johnson, M. C., Democrat.

SOUTH DAKOTA.

At large. Philo Hall,* Republican.
At large. Wm. H. Parker,* Republican.

TENNESSEE.

2. Nathan W. Hale, M. C.,* Republican.
3. John A. Moon, M. C., Democrat.
5. William C. Houston, M. C.*†
6. *John Wesley Gaines, M. C., Democrat.*
8. F. W. Sims, M. C., Democrat.
10. *George W. Gordon, Democrat.*

TEXAS.

1. *Morris Sheppard, M. C., Democrat.*
8. John M. Moore, M. C., Democrat.
14. J. L. Slayden, M. C.,† Democrat.

VIRGINIA.

Districts.
2. Harry L. Maynard, M. C., Democrat.
3. *John Lamb, M. C., Democrat.*
5. *E. W. Sanders, Democrat.*
7. *James Hay, Democrat.*

WASHINGTON.

At large. *W. L. Jones, M. C., Republican.*

WEST VIRGINIA.

2. Geo. C. Sturgiss,* Republican.

WISCONSIN.

1. Henry A. Cooper, M. C.,* Republican
2. John M. Nelson,* Republican.
3. *J. W. Murphy, Democrat.*
4. William J. Cary,* Republican.
6. Charles H. Weisse, M. C.,* Democrat.
8. Jas. H. Davidson, M. C., Republican.
9. Gustav Küstermann,* Republican.
10. *E. S. Morse, Republican.*

Of the 114 above-mentioned Members of the next House, 79 are Democrats and 35 are Republicans. The Democrats have simply stood by their national platform, which declares for majority rule. In Jefferson's day majority rule prevailed, for the people instructed at will by direct vote. The rise of the convention altered the system. We are getting back to the people's rule.

It is of special note that the above-described membership shows that the issue is not sectional nor is there a class conflict. All are against machine rule.

In most of the districts where the contest was known to be close, both the leading candidates pledged for the people's cause. This was the case in 36 districts. In 45 districts the ones who refused to pledge were defeated. This factor in the election is of far-reaching importance. Nearly all the ones who thus were beaten were Republicans. In 6 of the 45 districts it was the Democrat who refused to pledge.

This year's campaign is only the real beginning of the national movement for the initiative and referendum system. The issue was raised by the questioning of nominees through the mail by the National Federation for People's Rule, principally composed of referendum leagues, and officered by leaders in the referendum movement and by the heads of the various farmers' organizations, with the questions indorsed by the American Federation of Labor and the labor representation committee of the American Federation of Labor.

The chief source of strength has been the publicity given to the attitude of Congressional candidates, for the issue is such that the voters were drawn to those who pledged for it. A report for each district was issued by the National Federation to the nominee who pledged and in the report it was freely charged that the opponent of the proposed increase in the people's power was the trusts' candidate. In only a few districts, however, did the issue become a really live one, for in all but a few of the States the voters have not become acquainted with the initiative and referendum, and none of the large organizations were campaigning for it, while comparatively few of the nominees knew much about the national programme for the restoration of the people's rule. In 134 districts a pledged Democratic or Republican nominee was defeated, because the issue was not presented in such a way as to cause it to be considered paramount.

Two years hence the conditions will be greatly altered for publicity, for the programme will probably make it invincible, judging by the unanimous sentiment which now exists for it wherever the people know about the direct-vote system. In South Dakota, for example, where the people are living under the initiative and referendum system in State and municipal affairs, all the nominees pledged for it. In Wisconsin, of the twenty-four Republican and Democratic nominees, all but four pledged and two of these were defeated. In Missouri all of the sixteen Democratic nominees pledged and five of the Republicans. Of the eleven Republicans who refused only three were elected.

The announcement that 104 Members of the next National House favored the establishment of a system whereby the people can vote direct on national issues caused a great deal of comment at the national capital.

Those who stood with the people and against the trusts were jubilant, while the others were bitter. Silence in the public prints, however, is the trusts' attitude.

The American Federation of Labor officials were highly pleased, for the pledging of candidates for the establishment of the direct-vote system is part of their programme.

The questions to candidates were indorsed by the American Federation of Labor. This fact has been entirely overlooked in practically all the newspaper comments. Organized labor has won a tremendous victory and, best of all, it is not for class interests but for all the people.

The explanation of the victory is that the issue is so broad that candidates dared not oppose it, provided an opposition candidate stood ready to debate the proposition.

This year the issue was new, however, and most of the men who pledged knew little about the proposed national system. They could not press the issue. But in 45 districts success went to the candidate who pledged, as against one who refused to pledge. The names of these successful Congressmen are indicated in the foregoing list by italics.

Following is a carefully prepared report by Hon. Ernest O. Kooser, Democratic Congressional nominee in the Twenty-third Pennsylvania district:

"Eighteen thousand copies of your report for this district were used. The first copies were not mailed until about seven days before the election. The last ones were those sent into Fayette County and mailed about three days before election.

"About a month before the election I mailed a circular letter to all the voters in the district, stating my position, among other matters, in favor of direct legislation; but, owing to the greater interest in other questions, this point did not receive much attention. * * *

"I consider that the net results of the use of the circulars were beneficial to my campaign. If I had it to go through again I should not hesitate to urge the issue with all possible vigor. I think any candidate, believing in the system of direct voting on legislation, will improve his prospects of election by making it one of the leading issues of his campaign.

"I can not outline any complete and definite plan as to the future course to be taken here to carry on this fight; but we shall continue in the contest until it is won for the people of these United States. and the people of Pennsylvania must have some more adequate means of expressing their views in the matter of the laws that shall govern them."

Arthur J. Lacy, esq., of the Eleventh Michigan district, has written to the National Federation for People's Rule:

"I wish to express to you my gratitude for the very kind service you have rendered me in this campaign. I feel as much indebted as I could had I been favored with the election. The result is particularly gratifying to me, and far beyond my expectations. The vote of the district was 25 per cent short, yet through the aid of my friends and what I could do for myself, my opponent's majority has been cut down about 12,000, or nearly 60 per cent."

Newspaper Comment.

INFLUENTIAL PAPERS ASK FOR TERMINATION OF MACHINE RULE.

The New York Independent, in its issue of November 22, 1906, says:

"In our opinion the initiative and referendum is the most important 'next step' in political reform in this country. Its advent ought to do wonders in breaking up corrupt political machines and preventing the passage of vicious legislation, and under it real leaders of the people will find it easy to arise on live issues."

Moody's Magazine, a Wall street publication, Byron W. Holt, editor, in its September number, says editorially:

"A movement, and a very big and practical one, is now on foot to reestablish the people's rule—that is, majority rule—through the initiative and referendum, or the advisory initiative and referendum. This means a direct-vote system for public questions, the vote to be binding, if possible, but simply advisory, where a State or other constitution is in the way or where legislators are unwilling to concede the full right of the people to make and unmake laws. This movement is proceeding silently, but irresistibly. It is undoubtedly the most profound and far-reaching reform now before the American people. Indirectly, during the next few years, it will probably exert a greater influence over investments than will be exerted by any individual or score of individuals, no matter how able and popular they may be to-day. It is, indeed, probable that individuals will lose their power as politicians and bosses as soon as the people get the reins of government in their hands. This, in fact, is what has resulted in South Dakota and Oregon, where the initiative and referendum is in operation. In Switzerland, where the referendum system has been in operation for many years, individuals are of minor importance in politics; measures and not men receive the attention of the voters."

The Wall Street Journal of November 23, 1906, says: "Various remedies have been proposed for this evil of half-baked legislation affecting business. When special interests get the upper hand in legislation, the lobbyist and the political boss are apt to

have a hand in it. In order to eliminate this mischievous element, the reference of all important acts of legislation to the people for acceptance or rejection has been proposed which has worked well in Switzerland.

"Another means of protection against legislation which ignores the popular will is the initiative by which voters propose the subjects of legislature on which improved laws are demanded. 'The initiative and the referendum,' says one of its advocates, 'would be destructive of bossism and ring rule. They would not abolish representative government, but would prevent its becoming despotic. They would operate to the self-disfranchisement of the unintelligent. They would promote and extend civic intelligence by exciting interest in public questions. They would enable thoughtful citizens to vote for men whom they regard as good candidates without thereby supporting what they regard as bad politics. They would improve our governments by bringing them closer to the people.'

"Whether these changes are imminent or not, we are facing radical departures in our methods of expressing popular opinion. Nor can business fail to feel the effect."

Address to Congressional Nominees.

Beginning September 13 an address including questions to candidates was mailed to Congressional nominees as rapidly as their names and addresses could be secured.

Toward the close of September a second communication was mailed to those who had not replied.

To each nominee there was mailed a copy of the 64-page campaign book, "The People's Rule in Place of Machine Rule," being the September Referendum News.

The address to Congressional nominees was as follows:

Hon. ——— ———,
Candidate for Congress.

Dear Sir: The time is at hand when the American people are about to elect legislative agents. You are asking the people of the ——— Congressional district to commission you as their agent in the National House of Representatives. This entitles them to know your attitude on the burning question of the day—the reestablishment of the people's rule in place of the convention system (machine rule).

Machine rule must be terminated.—Every sincere citizen who loves our Republic is devoted to the principle that the majority of the voters should be the supreme earthly power in the nation. But the will of the majority is not now the sovereign power, because the system of government is such that there is no provision whereby the voters can secure a direct ballot on public questions, as was the case prior to the installation of the convention system, 1823 to 1832. To establish an improved form of the direct-vote system is the dominant issue, in our opinion. The people's rule must be established. The rule of the few must cease. Autocracy, which crept into the country through the debasement of the convention system, must go. To-day, as 1776, the question of political liberty is the dominant issue. When political liberty is established, it will quickly lead to legislative relief.

We ask you, therefore, and shall publish your replies throughout the district:

Question 1. If the electors will select you to represent them, will you faithfully work and vote for the immediate enactment of a statute to establish a system of direct voting on public questions through—

(1) The advisory initiative, to apply to questions of interstate commerce, civil service, immigration, trial by jury or any modification of the law of injunction, eight-hour day in Government contract work, and the submission of constitutional amendments for the initiative and referendum, election of United States Senators by the people, and election of fourth-class postmasters by the patrons of each office; and

(2) The advisory referendum, to apply to laws of Congress and measures passed by either House? (Suggestions for said systems are set forth in the accompanying bill.)

Answer.....

Question 2. Will you obey instructions from your constituents when given by referendum vote?

Answer.....

To each of the foregoing questions we desire a clear-cut yes or no. Your replies, together with those of the several candidates for Congress in your district, to each of whom this set of questions is being mailed, will be forwarded to the newspapers throughout the district, also to the nonpartisan organizations. If you or any other candidate refuse to come out for the people squarely, openly, and in writing signed by yourself you will be questioned at every meeting, and there will be held, if need be, a series of meetings in which there will be discussed the need for the election of candidates who are pledged to abolish the rule of the few; and voters' nonpartisan agreement

blanks will be circulated. For the first time since the war of the Revolution the dominant issue is that of the people's right to self-government.

It must be clear that the conditions are such that candidates can no longer evade the issue, and they surely will not oppose it.

Please let us hear from you at your earliest opportunity. A refusal to reply within 10 days from the receipt of this letter will be a negative to our questions and will be so considered in our report to the newspapers and nonpartisan organizations.

Respectfully, yours,

NATIONAL FEDERATION FOR PEOPLE'S RULE,
By GEO. H. SHIBLEY, *President.*

Attest:
RALPH ALBERTSON,
Secretary.

This is to certify that the foregoing questions have been indorsed by the American Federation of Labor and approved by the undersigned. The American Federation of Labor campaign has for its purpose immediate relief from wrong and injustice, and the establishment of the initiative and referendum principle (the rule of the majority) in the political affairs of our country.

SAMUEL GOMPERS,
JAMES O'CONNELL,
FRANK MORRISON,
Labor Representation Committee, A. F. of L.

The number of nominees questioned was 683 and the number who answered favorably was 307, distributed among the parties as follows: Democratic, 354, favorable, 233; Republican, 296, favorable, 54; Prohibitionist, 15, favorable, 10; Socialist, 18, favorable, 10.

In 34 districts both the leading nominees answered yes. For further data see opening article. (Page 11.)

In addition to the declarations by the 307 Congressional nominees for the restoration of a direct-vote system (majority rule) for the eight national topics, the following statements were made, nearly all of which are broader than the programme declared for:

SOUTHERN STATESMEN.

J. Thomas Heflin, Member of Congress (Democrat, elected), Fifth district, Alabama:

"Employing the language of Hon. Morris Sheppard, of Texas: 'I am in favor of every reform that will make more certain and sure the rule of the people.'"

Joseph T. Robinson, Member of Congress (Democrat, elected), Sixth district, Arkansas:

"It gives me pleasure to say that I heartily approve of the principle of submitting the important questions referred to in your circular to the direct vote of the people, and I would obey instructions from my constituents when given by referendum vote, provided always the issue has been fairly and fully submitted to them. I believe that in this way we would more nearly approach a pure democracy, public intelligence would be increased, and the public conscience aroused."

Thomas W. Hardwick, Member of Congress (Democrat, elected), Tenth district, Georgia:

"I am inclined to the opinion that it will be not only right, but thoroughly practical, to apply the referendum principle to a few great questions."

Hon. R. N. Hackett, of North Carolina, Democrat, elected in place of Representative Blackburn, who refused to pledge for the people's rule:

"I am unqualifiedly in favor of majority rule in this country, 'unawed by power and unbribed by gain,' by whatever honest fair means it can be obtained."

Edward W. Pou, Member of Congress (Democrat, elected), Fourth district, North Carolina:

"I am heartily in favor of submitting all questions to the people directly wherever it is practical to do so. * * * Being a public servant I do not object to stating my position with respect to any question which may come before Congress."

John N. Small, Member of Congress (Democrat, elected), First district, North Carolina:

"I am against machine rule and believe that the will of the majority should be honestly ascertained, and that the same should prevail in political parties and upon all questions submitted to the people. I am in favor of legalized party primaries. As I understand the same, I am in favor of the initiative and referendum as a means of ascertaining the will of the people by a system of direct voting on public questions."

J. M. Richardson, Member of Congress (Democrat), Eighth district, Kentucky:

"As I have always been in favor of the issue mentioned (majority rule) I have no hesitancy in declaring for it now."

Hon. I. D. Smith (Prohibitionist), First district, Kentucky:

"I have been a full-fledged referendum man for twenty years."

John Lamb, Member of Congress (Democrat, elected), Third district, Virginia:

"I am and always have been an earnest advocate of the people's rights—am an original referendum advocate, and believe in the soundness of the fundamental principles in your circular."

Morris Sheppard, Member of Congress (Democrat, elected), First district, Texas:

"I am heartily in favor of every reform making more certain and sure the rule of the people."

John M. Moore, Member of Congress (Democrat, elected), Eighth district, Texas:

"I shall stand by my party platform declarations."

James L. Slayden, Member of Congress (Democrat, elected), Fourteenth district, Texas:

"I favor doing everything which it is practicable to do to put and keep the control of government and the direction of legislation in the hands of the people."

MARYLAND STATESMEN.

J. Frederick C. Talbott, Member of Congress (Democrat, elected), Second district, Maryland:

"I am thoroughly in favor of the people's rule and have always obeyed instructions from my constituents."

Dr. Thomas A. Smith, Member of Congress (Democrat), First district, Maryland:

"I heartily approve of the principle of direct legislation. The people should be all-powerful and he who seeks to represent them should remember whence he derives his commission. The evils which afflict the body politic to-day are directly traceable to the loose and irresponsible ties which so often exist between the people and their representatives in the national and state legislatures. It is certain that the voters have it in their own hands to restore the close and confidential nature of representation which formerly existed and to make their representatives feel that their first allegiance is to the people who elected them. As a Democrat, imbued with the doctrine of 'equal rights to all and special privileges to none;' as a firm believer in the wisdom of popular government, I am in thorough sympathy with any movement to check and overturn the manifest tendency to autocratic rule by selfish interests at variance with the true progress and well-being of the American people, and willing to assist in accomplishing that end by upholding the rule of the majority."

Doctor Smith was defeated by the use of money.

PENNSYLVANIA STATESMEN.

R. O. Moon, Member of Congress (Republican, elected), of Philadelphia, Pa., chairman Committee on Revision of Laws:

"The principle that the people should rule is fundamental in our Government. We have doubtless in practice drifted farther away from it than the founders of the Government originally intended. I, as a Representative in Congress, recognize my duty to my constituents to represent their constitutionally expressed convictions respecting the enactment of new laws or the repeal of old ones.

"The general principles of the advisory initiative and the advisory referendum are certainly steps in the right direction toward giving the people a more direct and controlling voice in national legislation. This principle I would advocate and would lend my influence and my vote to reestablish.

"Whenever the will of my constituents is made known to me through any present constitutional means or through any other recognized medium of registering their will respecting national legislation, I shall cheerfully obey their instructions."

Marlin E. Olmsted, Member of Congress, Eighteenth district, Pennsylvania, Republican, who defeated Mr. Lindner, who refused to pledge:

"I am in favor of rule by the people and against rule by the few. My people will have my voice, vote, and influence for the initiative and referendum whenever they desire it. I have no end or aim in Congress except to serve the best interests of my constituents, and so long as I remain in that body it will afford me pleasure to voice their will."

George F. Huff, Member of Congress (Republican, elected), Sixth district, Pennsylvania:

"In all cases where the wishes of my constituents can be ascertained by any reasonable means, I will respect the same concerning national legislation, and in all other matters pertaining to their welfare."

Arthur L. Bates, Member of Congress (Republican, elected), Twenty-fifth district, Pennsylvania:

"I have been examining for some time the subject of initiative and referendum and I know of no better way for obtaining the will of the people on any specific subject. I therefore favor the plan, as I am always willing to reflect the views of the people who elect me whenever expressed, and if the referendum vote can be inaugurated I would certainly obey its instructions."

Hon. Andrew J. Palm (Democrat), Twenty-fifth district, Pennsylvania:

"I take pleasure in answering 'Yes' to both of your interrogatories. When a member of the Pennsylvania legislature, 1900–1904, I introduced a bill providing for the initiative and referendum, but you can easily surmise its fate."

Hon. Spencer Miller (Democrat), First district, Pennsylvania:

"I believe thoroughly in the principles of advisory initiative and advisory referendum in legislation. It is my present judgment that there is no subject of legislation which ought to be reserved from the operation of such principles."

Hon. Horace Keesey (Democrat), Twentieth district, Pennsylvania:

"I am in favor of the people ruling in all things and in submitting questions to the people where and when it can be done in an honest, practical, and legal way."

Hon. Ernest O. Kooser (Democrat), Twenty-third district, Pennsylvania:

"In my campaign as a fusion candidate of the Democratic and Lincoln parties in this Twenty-third Congressional district of Pennsylvania, I have endeavored to make direct legislation the principal issue as a cure for the misrule of lobbies and rings that have disgraced this State."

NEW ENGLAND STATESMEN.

Edwin C. Burleigh, Member of Congress, (Republican, elected), Third district, Maine:

"I favor any principle—I care not what it may be called—that will enlarge the power of the people on all questions, State and national, that affect the well-being of the citizens."

Hon. Andrew J. Peters (Democrat, elected), Eleventh district, Massachusetts:

"In reply to your letter would say that I have served one year in the Massachusetts house and two years in the Massachusetts senate, and that during my service I have been recorded at all times on roll calls in favor of the initiative and referendum, the public-opinion bill, and the popular election of United States Senators. My opponent in the Eleventh Congressional district is recorded in the Massachusetts senate in opposition to these measures."

(This opponent of self-government for the people was defeated by the people.)

Ex-Governor Lucius F. C. Garvin (Democrat), Second district, Rhode Island:

"If elected I will introduce an amendment to the Federal Constitution providing that future specific amendments to that instrument may be proposed by petitions signed by not exceeding 1,000,000 voters, every such proposition to be submitted to the people for acceptance or rejection at the Congressional election next succeeding the filing of the petitions."

Daniel L. D. Granger, Member of Congress (Democrat, elected), Rhode Island:

"I favor more power in the people."

Hon. George M. Wallace (Democrat), Second district, Connecticut:

"The machines and bosses who make a specialty of aiding corporations by beggaring their constituents should be put out of business by the direct primary, the recall, the initiative and referendum."

Elisha Dyer (Republican), mayor of Providence, R. I.:

"I believe in the people's rule every time in place of machine rule whenever and wherever the same can be brought into effectual operation."

NEW YORK AND NEW JERSEY STATESMEN.

Robert Baker, ex-Member of Congress (Democrat), Sixth district, New York:

"No musty precedent will swerve me from doing all I can to purify our politics, to devote my talents to securing those measures—direct primary nominations, the initiative and referendum; the recall; a corrupt law practice; direct election of United States Senators by popular vote—so essential to restore government by the people. It is only through the medium of such laws that the people can hope to obtain economic reforms—a parcels-post system; postal savings bank; municipal ownership of public utilities; the withdrawal of special privileges from the trusts and their consequent overthrow.

"I will obey instructions even though I may not agree with them." (This is in line with the view that the Representative is an agent and not a ruler.)

Hon. William H. Jackson (Democrat), Thirteenth district, New York:

"I heartily approve your plan for a direct vote on national issues."

Hon. Walter Scott (Democrat), Twenty-fourth district, New York:

"I am on record publicly and privately for the past ten years as firmly advocating the initiative and referendum."

Dr. Frank Beebe (Democrat), Twenty-fifth district, New York:

"I am heartily in favor of majority rule and on that understanding accepted the nomination and think it entirely superfluous to have been the recipient of your inquiry."

Hon. John W. Williams (Democrat), Thirty-sixth district, New York:

"I wish you success in your good work and heartily indorse your cause."

Ira W. Wood, Member of Congress (Republican, elected), Fourth district, New Jersey:

"I am in favor of giving the people in every practicable way the opportunity to express themselves on all public questions, and to influence legislation to that end."

Hon. C. H. Kraemer (Democrat), Seventh district, New Jersey:

"I am thoroughly in sympathy with the advisory initiative and the advisory referendum, and always ready and willing to abide by the instructions from my constituents, when given by referendum vote."

Hon. Legage Pratt (Democrat, elected), Eighth district, New Jersey:

"I believe in guarded representative government; and since the national Democratic platform of 1904 declared for the principle of the initiative and referendum, and since said platform is indorsed by the platform upon which I stand in my canvass for Congress from the Eighth New Jersey district, I would, if elected, vote for and otherwise support the statute as proposed by your federation, if it should get before the House with the approval of the Judiciary Committee.

"So great an educator and historian as Woodrow Wilson, in The State, page 490, states but two objections to the referendum: First, that it assumes a discriminating judgment and a fullness of information on the part of the people touching questions of public policy which they do not often possess; second, it lowers the sense of responsibility on the part of the legislators.

"Your proposed statute provides admirably, in my view, for the education of the people on the questions to be submitted to them; and since in practice the system is known to automatically disfranchise the ignorant, his first objection does not have great weight with me. In my humble opinion, his second objection is not likely to prove valid. I should think the reverse effect might be reasonably expected, for the same reason that the judge of a lower court has a pride in rendering decisions which will be confirmed by the higher courts. Therefore, I reason that any legislative body would have a pride in enacting legislation which would receive the approval of the people.

"With best wishes for a guarded system of legislation, I remain, yours very truly."

CENTRAL STATESMEN.

Charles E. Townsend, Member of Congress (Republican, elected), Second district, Michigan:

"I am heartily in favor of submitting questions, and especially the ones mentioned, to the people, and will cheerfully support any measure which convinces me as best able to carry out the true spirit of democracy."

H. T. Rainey, Member of Congress (Democrat, elected), Twentieth district, Illinois:

"Am most heartily in favor of the initiative and referendum and the advisory initiative and advisory referendum for national issues."

Hon. M. D. Foster (Democrat, elected), Twenty-third district, Illinois:

"I certainly stand for the people's rule and am talking it at every meeting I hold in the district."

Hon. H. N. Wheeler (Democrat, elected), Fifteenth district, Illinois:

"I have been in favor of the initiative and referendum for years; ever since it was first brought to my attention. It seems to me that I could occupy no other position and be a Democrat. I earnestly hope that this grand reform will come, and come soon, and I shall do everything in my power to bring it about, either as editor or as Congressman, should I be elected to that position."

Herbert J. Friedman (Democrat), Second district, Illinois:

"I have always taken the position that a vote should count for measures as well as for men, and that a public opinion law, such as we have in our State, would be to the great advantage of the country on questions of national issue."

Hon. J. J. McInerney (Democrat), Twenty-second district, Illinois:

"I have long been in favor of the initiative and referendum as advocated by your association and will so continue."

George B. Murray (Prohibitionist), Twenty-third district, Illinois:

"I am making the reestablishment of the people's rule a special point in my campaign."

David A. De Armond, Member of Congress (Democrat, elected), Sixth district, Missouri:

"I am for any practical means of increasing directly the power of the people in governmental affairs. I had postmaster primaries after Cleveland's election in 1892, and so have 'done it.' "

D. W. Shackleford, Member of Congress (Democrat, elected), Eighth district, Missouri:

"I am unqualifiedly in favor of the initiative and referendum in both State and Federal government. I believe the people may always be trusted."

Hon. D. W. Hamilton, of Iowa (Democrat), elected in place of Representative Lacey, who refused to pledge:

"In my campaign I am especially advocating the trial by jury of injunction suits, and the election of United States Senators by a direct vote of the people. I especially favor the election of postmasters by the patrons of each office. I look upon the present system as an aid to machine politics. I am heartily in favor of a representative obeying the instructions of his constituents, and I believe he should be a servant of the people and endeavor to carry out the desires of his constituency. The nearer we get to the people the less fraud and corruption will exist."

A. F. Dawson, Member of Congress (Republican, elected), Second district, Iowa:

"I am heartily in favor of the people's rule in place of 'machine' rule, and shall earnestly favor all practical legislation to that end."

George S. Tracy (Democrat), First district, Iowa:

"I believe that the initiative and referendum will bring all questions nearer to the people and I believe that the people are entitled to pass upon the affairs which concern them and their interest. I have adopted this view whenever I had an opportunity to do so in my official career in this city and county."

Hon. George W. Ball (Democrat), Second district, Iowa:

"As the Constitution guarantees its people the right to petition, and the right of the majority to rule is democratic, I answer the questions in the affirmative."

Hon. J. E. Estes (Democrat), Eighth district, Iowa:

"I beg to say that in nearly every speech of this campaign I have already urged these measures (initiative and referendum) as a relief to the people of the Eighth Iowa district, from the present machine rule politics. My indorsement is not merely nominal—it is advocacy."

Hon. William S. Elder (Democrat), at large, South Dakota:

"I am in favor of the system of direct voting on public questions, including some form of advisory initiative and advisory referendum, and if elected will work for the enactment of such legislation, and will certainly abide by the wishes of my constituents when given by referendum vote. We have the initiative and referendum in South Dakota, and it has been made a part of our platform, although we have never invoked either, yet, as a member of the city council of this city, I have had occasion to observe the good effect of the law as a club to compel decent legislation."

Hon. A. G. Burr (Democrat), at large, North Dakota:

"Not only am I in sympathy with this movement for the adoption of the initiative and referendum principle in State and nation, but am advocating the same on the stump. I believe thoroughly in the rule of the people with no restrictions nor reservations."

Henry Allen Cooper, M. C. (Republican, elected), First district, Wisconsin:

"I am a believer in the initiative and referendum principle and heartily favor the movement to secure to the people a more immediate and direct control over legislation. I shall be glad to give my influence and vote to help secure such control for them."

Charles H. Weisse, M. C. (Democrat, elected), Sixth district, Wisconsin:

"At all times that I have an opportunity I shall advocate direct legislation. It is unnecessary to say 'wherever it is practical,' because it is practical everywhere. It is as practicable applied to the expenditure of the people's money as it is in the collecting of taxes. I hope the day will come that we will be able to carry out this fight, as we will then be in a position to stop the grafting administrations and the enormous appropriations for creating offices and filling them with men who only draw salaries for political machines, and work for the furthering of their own and the machine's interest. Until direct legislation is accomplished I can see no relief from the extravagant and wasteful use of the people's hard-earned money."

J. G. Donnelly (Democrat), Fifth district, Wisconsin:

"I have long been a believer in the initiative and referendum principle in national affairs, and whether elected to Congress or not, I pledge myself to do everything in my power for the promotion of that principle."

J. H. Davidson, M. C. (Republican, elected), Eighth district, Wisconsin:

"I have always believed in keeping the Government close to the people, and therefore believe the people should have full opportunity to express their wish on public questions, and have legislation enacted in accordance therewith."

WESTERN STATESMEN.

E. H. Hinshaw, M. C. (Republican), of Nebraska, who defeated J. J. Thomas, who refused to pledge:

"I certainly shall be glad to cooperate in every possible way for the advancement of the initiative and referendum principle in national affairs. The nearer Government comes to the individual voter, the more certain are the people to have their wishes crystallized in the law."

Hon. Mason S. Peters (Democrat), Second district, Kansas:

"I have been working along the lines suggested by your questions for many years."

Hon. Francis M. Brady (Democrat), Third district, Kansas:

"I was pleased to receive this morning your circular containing the two questions; one in reference to the advisory referendum and advisory initiative, etc., and I hasten to reply. I am pleased to be able to answer both of those questions in the affirmative. I inclose a circular which contains a statement of the questions for which I stand in this campaign in this district. You will find that statements No. 2, 4, 8, 10, 11, and 16 are all in line with the questions which you ask, and I have been using these points in my campaign ever since the 1st of May and have advocated those questions since 1896."

Hon. H. W. Brunk (Democrat), Third district, California:

"I can see in the initiative and referendum the only possible solution of our present political evils."

UNFAVORABLE AND PARTIALLY UNFAVORABLE REPLIES.

Hon. Walter I. Smith, M. C. (Republican, elected), Ninth district, Iowa:

"I believe in a republican as distinguished from a democratic form of government.

"I have to advise you that I can not support your policy as indicated in your circular of September 13."

Reply.—There is no distinction between a republican and democratic form of government. The terms are synonymous. They simply mean that the sovereign power is in the people. For proof see recent decision of the California supreme court, declaring that the initiative system is a republican form of government; also see September Referendum News, chapter 62. Previous to the convention system the people instructed at will by direct vote. When this system was dropped the Government became unrepublican and undemocratic, for machine rule prevailed—the voters retained no power to instruct during the machine's term of office and there existed no vote power and no power of direct legislation.

W. Bourke Cochran, M. C. (Democrat, elected), Twelfth district, New York:

"Believing as I do that the system of government embodied in the Constitution of the United States is the very best ever devised by human wisdom, and that government being representative in character, my answer to both your questions must be 'No.'

"If elected, I shall seek diligently to ascertain the views of my constituents on every question that may come before Congress, but after weighing them carefully and respectfully, in casting a vote I shall be guided solely by my own conscience.

"On these conditions I base my candidacy; on no others would I accept an election."

Reply.—See preceding section.

J. C. Needham, M. C. (Republican, elected), Sixth district, California:

"I am the regular nominee of the Republican party for Congress in the Sixth district of California, and under the laws of the State of California (sec. 55a Penal Code Cal. approved March 21, 1905) it is an offense for a candidate for a legislative position to answer questions such as you propound. I would be entirely willing to make answers to the questions if I was not prohibited from doing so by the laws of this State."

Reply.—The law against questioning candidates is unconstitutional, being an unrepublican form of government. It is machine rule of the most autocratic type.

Edgar D. Crumpacker, M. C. (Republican, elected), Tenth district, Indiana:

"The Federal Constitution vests all legislative powers exclusively in the Congress. The policy contained in your first proposition involves a radical change of our system of government."

Reply.—See next article.

Representative Government or Machine Rule?

Right to Instruct an Essential Element in Representative Government—Federal Constitution Recognizes this Right.

Before answering in detail the statement in the preceding paragraph by Hon. E. D. Crumpacker it will be well to outline the general topic.

In this country the question at issue is, "Shall there be a restoration of representative government?" Machine rule exists, as every one knows. Machine rule is not representative government.

Representative government is that system in which the interests of the voters are represented. In order that the voters' interests may be represented, they must possess the power to instruct their representatives, or possess the power to veto their acts and exercise the power of direct legislation.

The voters possessed the power to instruct in the days of Washington, Jefferson, Madison, and Monroe. They lost this power when the convention system arose and was debased to machine rule. Instructions were given by direct vote at town meetings in rural New England and elsewhere through mass meetings. Furthermore, the representatives in the legislature and in the National House were pledged by districts and not by machine-rule State conventions and national conventions.

To reestablish a system whereby the voters can instruct by direct ballot will restore representative government.

Mr. Crumpacker says: "The Federal Constitution vests all legislative powers exclusively in the Congress. The policy contained in your first proposition involves a radical change of our system of government."

In answer to the foregoing the writer desires to say that in his opinion the statement in the first sentence is incorrect, but that the second one is correct. Our aim is to terminate machine rule, a system which came into existence about seventy-five years ago. Mr. Crumpacker has overlooked the fact that machine rule exists.

Next as to Mr. Crumpacker's statement that the "Federal Constitution vests all power exclusively in the Congress." This is incorrect, as is demonstrated by the Constitution itself, which says:

"All legislative powers herein granted shall be vested in a Congress." (Art. 1, sec. 1.) And

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." (Ninth amendment.)

The people retained the right to instruct, and they exercised it without opposition, except from the Federalists, who were deposed from office and the party died. Later came machine rule.

To restore a system whereby the voters can instruct by direct ballot will restore representative government—the system that existed in the days of Washington, Jefferson, Madison, and Monroe. The Federalist party temporarily refused to obey instructions and thereby change the system of government. The people regained their lost power under Jefferson's leadership. To-day, one hundred and six years since the people's victory over the Federalists, the issue is again the people's rule in place of autocracy.

[From Arena, Boston, Mass., January, 1908.]

Justice Brewer on the Initiative and Referendum as a Safeguard against Despotism and Mob Rule.

No more important utterance has been delivered in the United States in recent months than that made by Justice David Brewer of the United States Supreme Court, when, in his address on "Public Service in Relation to Public Opinion," delivered on November 20 in New York City, as reported by the Washington Herald, he said:

"Despotism and a mob are the two extremes of government. In the one the people have nothing to say, and in the other they have unrestrained voices. True democracy occupies the middle ground.

"The more constant and universal the voice of the people, the nearer the approach to an ideal government. Initiative and referendum make public opinion the quality controlling. The more promptly and more fully public officers carry into effect such public opinion the more truly is government of and by the people realized." (*Washington Herald, November 21, 1907.*)

Justice Brewer's observations on this point of course are not new, but the value of his views lies in the fact that he is considered by general consent, we believe, the ablest constitutional jurist on the Supreme Bench. That this great jurist recognizes that the safe and sure preventive of the great dangers that threaten republican gov-

ernment—that is, of despotism on the one hand and mob rule on the other—is to be found in the adoption by the people of direct legislation, is a matter of first importance and is precisely the position long taken by The Arena.

[From letter to George H. Shibley, June 17, 1907.]

Senator Robert M. La Follette says:

"In my judgment the public interest would be promoted if a majority of the voters possessed the option of directing by ballot the action of their representatives on any important issue under proper regulation, insuring full discussion and mature consideration upon such issues by the voters prior to balloting thereon."

[Continuation of Referendum News, November, 1906.]

Record Breaking Speed for Vital Reforms.

Direct Voting for Public Questions Quickly Wins Wherever Properly Presented.

There is an order of time in social evolution. To-day one of the changes in this country is the termination of machine rule. The change is coming and coming rapidly, and in all parts of the country, therefore it is the reform most easily accomplished. Here is the record for Maine, as published in the Waterville (Me.) Mail:

"Two years ago, very few people in Maine had any knowledge of the initiative and referendum, so called. To-day there is a widespread demand that the next legislature shall grant permission to the electors of the State to decide by their ballots whether the principles of direct legislation, as expressed in the initiative and referendum, shall become a part of our law-making system.

"Two years ago not a newspaper in Maine had given any attention to the initiative and referendum. To-day the principles of direct legislation are indorsed by the press of the State practically unanimously.

"Two years ago the initiative and referendum formed no part of any State political platform. This year a 'referendum plank' was inserted by the Democrats, by the Republicans, and the Prohibitionists in their State conventions. Labor, organized and unorganized, stands united in favor of this one thing. The granges throughout the State are firm in their demands that the next legislature shall, by a two-thirds vote, allow the people of Maine to decide whether the initiative and referendum shall be made a part of the State constitution.

"Two years ago not a member-elect of either the House or the Senate had been asked to indicate whether he would oppose or support legislation of that nature. This year candidates have been interviewed and questioned often and not one of them has deemed it prudent to express himself adversely to the referendum, but many of the legislators-elect are pledged to support the bill which will be introduced next January, similar to Senate Document No. 24, offered by Senator Clark, of Bar Harbor, two years ago."

Great Value of Advisory Initiative.

Striking Examples at Detroit, Mich., Grand Rapids, Mich., and Elsewhere.

Illustrations of the great value of the advisory initiative are more and more frequent. At Detroit, Mich., November 6, 1905, by means of an advisory referendum vote the people turned down a proposition of the Detroit United Railway for an extension of its franchise. The vote against it was 2 to 1. Says the Civic News of Detroit and Grand Rapids:

"It was certainly worth while to see a great body of electors on the broadest democratic basis reject with absolute decisiveness such a franchise as the one for which Mayor Codd and the Detroit United Railway joined hands. The temptation to accept the franchise with its many promised advantages, strengthened by the actual trial of the reduced rates, could not have been resisted by a town asleep. In the face of a powerful combination of forces, business and political, backed by an apparently unlimited supply of money, the people voted 'no,' and refused the mess of pottage. It was the first time that the people of Detroit had a chance to vote on a franchise. They did it well."

On the same day at Grand Rapids, Mich., the advisory referendum was used on the question of calling upon the legislature to amend the city charter by providing for nonpartisan municipal elections. "There had been comparatively little discussion of this amendment in the public press," says the Civic News, "and comparatively little work done for or against it among the people. When the votes were counted, however, it was shown that 12,215 Grand Rapids electors had expressed themselves on

this measure, and of these 8,865, or 72½ per cent had voted 'yes.' There was a majority for the measure in every precinct in the city."

On the Grand Rapids referendum ballot was another question, placed there by means of the optional referendum. An ordinance on Sunday closing had been passed by the city council which aimed to prevent Sunday theater going. A petition was circulated that the question be decided by a direct vote of the sovereign power. It was charged by some that the ordinance was an attack on personal liberty, for its provisions seemed so broad as to prohibit all kinds of Sunday amusements at the parks, and baseball. Such is the statement of the Civic News of Grand Rapids and Detroit, and it adds: "The contest excited great interest, and was the occasion of an active campaign, the result being that the vote on the theater ordinance was heavier than the vote for governor. The vote for governor was 12,944, while the vote on the theater ordinance was 13,176, of which 6,895 opposed it and 6,281 favored the ordinance."

This people's veto of the city council's ordinance simply shows that the proposed law had certain features that must be eliminated, and the discussion has shown what they are. Says the Grand Rapids (Mich.) Herald:

"The fact that the referendum can be called into play when important questions of principle or of public interest are involved is a wholesome check on the council and a safeguard for the public welfare."

Last spring at Grand Rapids three questions were voted upon under the advisory initiative. One provided for the advisory initiative upon ordinances, one for the recall of elective officers, and one for the recall of appointive officers.

The vote on the proposition to apply the advisory initiative to ordinances was 6,196 in the affirmative and 1,736 in the negative—nearly 4 to 1 in the affirmative.

The vote on the proposal to establish the recall for appointive officers was 6,682 in the affirmative and 1,805 in the negative.

The vote on the amendment for the recall of elective officers was 7,142 and 1,970 in the negative.

The result of the advisory vote was a request to the legislature to amend the city charter and it will have a very strong effect. If the advisory voting system did not exist in Grand Rapids the people would be almost helpless, for machine politics are strong except when there is a flank attack. As the result of the advisory vote the desired reforms are sure to succeed, if not this winter, then later.

The advisory vote system is easy to establish and its operation educates the public as to the value of the initiative and referendum and leads to the adoption of the system, at the same time giving an effective means for voicing the people's will upon live public questions. In the words of the New York Independent in its November 22 issue: "The advisory system is naturally much easier to secure than a constitutional amendment, but it ultimately leads to constitutional changes, which is the main thing."

Considered nationally, the advisory vote system is practically the only way to reestablish direct voting on national issues, for the system can be established by majority vote in both Houses and signature of the bill by the President; whereas a constitutional amendment can not be secured under the existing system of machine rule.

In starting a State movement the advisory initiative has many advantages, as is pointed out in the June Referendum News, 1906, pages 5–9.

Additional illustrations of the value of the advisory referendum in cities is the history of Buffalo, N. Y., and Chicago, Ill. The Buffalo system was established by an ordinance of the city council which has been upheld by the court. The case is reported in the January Referendum News, 1906, page 12; also in Law Notes, Northport, N. Y., December, 1905.

Appendix IV.

[From the Referendum News, September, 1906.]

Chapter 7.—OTHER PRESENT-DAY PUBLIC MEN WHO BELIEVE IN INITIATIVE AND REFERENDUM.

Senators, Congressmen, Governors, and Mayors in Both Parties.

Mayor Tom L. Johnson, Cleveland, Ohio, 1906:

"I am always heartily in favor of any movement tending to give the people's will expression on public questions and to secure the enactment of legislation in accord therewith."

Representative Charles H. Burke, South Dakota, 1906:

"I am in favor of extending to the people the greatest possible latitude in expressing their wishes in matters of legislation. I certainly am in favor of extending to the fullest extent the power of the people."

Representative Eben W. Martin, South Dakota, 1906:

"I am in sympathy with the movement to extend the general participation of citizens in the management of their government."

Mayor Harry L. Devereux, Springfield, Ill., 1906:

"I heartily indorse the cause."

Representative Charles H. Weisse, Wisconsin, 1906:

"At all times that I have an opportunity I shall advocate direct legislation. It is unnecessary to say 'wherever it is practical,' because it is practical everywhere. It is as practicable applied to the expenditure of the people's money as it is in the collecting of taxes. I hope the day will come that we will be able to carry out this fight, as we will then be in a position to stop the grafting administrations and the enormous appropriations for creating offices and filling them with men who only draw salaries for political machines, and work for the furthering of their own and the machine's interest. Until direct legislation is accomplished I can see no relief from the extravagant and wasteful use of the people's hard-earned money."

Representative John Lamb, Virginia, 1904:

"I am and always have been an earnest advocate of the people's rights—am an original referendum advocate, and believe in the soundness of the fundamental principles in your circular."

Representative Daniel L. D. Granger, Rhode Island, 1904:

"I favor more power in the people."

Senator W. E. Mason, Illinois, 1902:

"I have been asked as to the initiative and referendum. I am in favor of it so far as I have been able to study the question with my limited time. I believe that in the Republic of Switzerland, from the best information that I have been able to get, it is a decided success, and one of the strongest reasons I favor it is because I believe that we are gradually approaching the time when the fewer laws we have the better we will be off."

Senator T. M. Patterson, Colorado, 1906:

"The cause you serve is a good one and the public mind is trending rapidly toward it."

Senator Cullom wrote to the Referendum League of Illinois during 1902, saying:

"I note the purposes of your league, and think very well of its proposed work. If by such action corrupt legislation in our State can be prevented, it will be a great thing, as one would certainly think from all accounts given out that our State legislatures are becoming very unfit and less controlled by the voice of the people."

The same year Senator Hopkins, of Illinois, said:

"I favor any principle—I care not what it may be called—that will enlarge the power of the people on all questions, State and national, that affect the well-being of the citizens."

Representative Robert Baker, of New York, 1904:

"No relief can come to the people from this condition of affairs until the people themselves shall have direct control over the legislation affecting these special-privilege corporations. That relation and that control can be obtained through what is known as the 'direct legislation' system by the institution of the 'initiative and referendum.'"

Representative E. C. Burleigh, Maine, 1906:

"I am in favor of the initiative and referendum in popular government and am running upon a platform that specifically indorses it."

Ex-Postmaster-General John Wanamaker, Philadelphia:

"I heartily approve of the idea of giving the people a veto on corrupt legislation. The movement to secure for the people a more direct and immediate control over legislation shall have my support. I trust such a movement will receive the thoughtful attention of all who would improve our political and industrial conditions. I am willing to trust public questions to the intelligence and conscience of the people."

Mayor Jones, of Toledo, now deceased, said:

"The necessary steps toward liberty are nonpartisan politics and the use of the referendum and initiative, and the people are ready to walk that way."

Governor Joseph A. Folk, of Missouri, 1906 (interviewed by St. Louis Star-Chronicle):

"In your opinion, Governor, what is the remedy for needless legislation and 'sandbagging' measures?"

"It is the initiative, the referendum, and the recall. If we are to have a government of the people by the people, the nearer it is brought to the people the better."

Hon. Louis Emery, jr., Pennsylvania, 1906:

"The closer we get to the people in matters of legislation, the more securely do we safeguard the State against abuses and the more nearly do we approximate to an ideal republic."

Hon. Marmaduke H. Dent, West Virginia:

"I believe in a government of the people, by the people, and for the people."

Hon. J. J. McInerney, Illinois:

"I have long been in favor of the initiative and referendum as advocated by your association and will so continue."

Representative Morris Sheppard, Texas:

"Heartily in favor of every reform making more certain and sure the rule of the people."

Hon. Joseph G. Donnelly, Wisconsin:

"I have long been a believer in the initiative and referendum principle in national affairs."

Chapter 19.—REFERENDUM IN ACTION.

Splendid Results Attained.

The June election in Oregon was a complete triumph for the initiative and referendum. The constitution of the State was reconstructed and important laws enacted, all in the interest of the people. It was the completion of a peaceful revolution against machine rule and private monopoly. The last vestige of autocracy is wiped out. The Associated Press suppressed all the favorable news concerning the referendum voting, thereby concealing for a time from the people in other States the fact that a system of government exists whereby the monopolists are politically powerless. The papers outside the State were compelled to wait for the referendum news until the arrival of the Oregon papers or the news bulletin of the People's Sovereignty League.

Here is what the voters of Oregon have accomplished since they shook off machine rule by establishing in themselves a veto power through the optional referendum and a power to initiate measures by petition.

The establishment of the system was completed early in 1904, petitions were immediately circulated by the people, one for a direct-nominations system and the other for local option on the liquor-license question. At the referendum election both measures were adopted.

The next election was held in June, for which ten initiative petitions were circulated and sufficient signatures secured for their submission. Five of these were proposed by the People's Power League, and are as follows:

MACHINE RULE OUSTED.

A constitutional amendment for the initiative and referendum for ordinances in cities, towns, and counties, and the referendum for single items in appropriation bills;

A constitutional amendment giving cities and towns exclusive power to enact and amend their own charters, subject to the constitution and criminal laws;

A constitutional amendment permitting the State to control at all times the cost of State printing;

A constitutional amendment giving one legislative assembly power to propose constitutional amendments, and requiring the people's approval before a constitutional convention can be called; and

A law prohibiting free passes and discriminations by public-service corporations.

All of these proposals were adopted by the people by large majorities. Thus the last vestige of machine rule in the government is wiped out in Oregon. Each community can do as it likes, and the will of the majority will prevail. In a short time the cities and towns can own and operate the municipal monopolies, and in the meantime all the monopolies except the interstate ones must cease their discriminations. The graft in the State printing can be gotten at by statute law, and the entire system of government is under the voter's control.

This was the work of the People's Power League, assisted by the granges, labor unions, and other reform organizations.

TAXATION OF MONOPOLY CORPORATIONS.

Another powerful organization which took the lead was the State Grange. It circulated petitions for two bills for the taxation of monopoly corporations. One bill was for an annual license tax of 3 per cent on the gross earnings of sleeping-car companies, refrigerator-car companies, oil companies, and express companies; and the other called for an annual license tax of 2 per cent on the gross earnings of telegraph and telephone companies. Both of these bills were accepted by the voters by overwhelming majorities, as were the measures proposed by the People's Power League.

EDUCATIONAL CAMPAIGN.

The woman's suffrage cause was presented. The State organization, backed by the national association, proposed a constitutional amendment for the enfranchisement of women. A vigorous campaign was conducted and a large amount of educational work was accomplished, but the measure did not succeed. Another campaign is already under way and will be pushed until the people vote again, two years hence.

Two years ago the temperance people initiated a stringent local-option bill that was adopted. This year the liquor-dealers' association secured the submission of an initiative bill proposing radical amendments, but only to be defeated.

A toll-road company endeavored to sell its property to the State and failed. It secured the circulation of an initiative bill, which the voters rejected.

VOTERS' VETO.

The foregoing measures were initiated by petition. One measure which the last legislature passed was ordered to a referendum vote by petition. It was an appropriation bill containing an unusually large sum for the normal schools. The filing of the referendum petition held up the entire bill. In the referendum vote the people accepted the bill, but at the same time adopted a constitutional amendment authorizing themselves to file a referendum petition against any part of an appropriation bill.

PEOPLE'S RULE A SUCCESS.

Reviewing the entire eleven measures, the conclusion which any close observer must reach is that the voters discriminated carefully, for they accepted some of the proposals and rejected others.

Another important fact is that there was no corruption in the election, because the monopoly corporations knew that the popular will was against them and that it was too strong to be overthrown. "What's the use," said a leading attorney for the corporations when asked why the monopolists didn't fight at the election.

A third item is that the ignorant and careless were automatically disfranchised. The vote for important measures was 15 to 20 per cent less than the vote for governor.

Even with the improved character of the Oregon legislature, due to the final power in the voters, it still is favorable to the monopolists. It refused to lay a 1 per cent tax on the gross earnings of certain monopoly corporations.

But when the legislature adjourned the State Grange took the rejected bills, crossed out the 1 per cent rate of taxation, and inserted a 3 per cent rate in one bill and 2 per cent in another, attached initiative petitions, printed them, and circulated copies for signatures, then filed the petitions with the Secretary of State.

That is what the people's rule means! The monopolists and their political machines are no longer the rulers.

It is clear that the people of Oregon can, as to State and municipal affairs, do as they please. The Federal Constitution prescribes certain limitations, it is true, but they are in line with the customs of a self-governing people.

OBJECTIONS ANSWERED.

During the campaign the newspapers controlled by the monopolists commented in an unfriendly way because a considerable number of measures were proposed, concealing the fact that certain of the measures were needed to complete the establishment of the people's sovereignty; and that others were needed because the railway and other monopoly corporations were still controlling, to some extent, the people's representatives. The monopolists failed also to mention that nearly all the measures to be voted upon would be published in full, with an argument, and a copy of each distributed to nearly every voter.

After the people's sovereignty is fully established and has been in operation for a few years only a few measures will be referred to a direct vote, for the members of the legislature will more fully represent their constituents; and when proportional representation is installed scarcely a bill will go to a direct vote. Such is the result in Switzerland, where the people's sovereignty has existed in federal affairs for fifteen years, and for a longer time in the cantons. In federal affairs in Switzerland the mere starting of an initiative petition brought from the representatives the submission of a bill for public ownership of railways. Only three national bills have been submitted through the direct initiative.

In the canton of Zurich the initiative was established in 1869. Up to 1893, a period of twenty-four years, only 21 measures were proposed by the voters. Of these 4 were adopted by the legislative body and approved by the voters. Two more were approved by the legislative body and vetoed by the voters. The remaining 17 were disapproved by the legislative body, and in two cases it framed competing measures

which the voters adopted. Of the remaining 15 bills, the voters adopted 3 and rejected 12. In short, of the 21 bills initiated, 5 became law, 2 of the competing measures of the legislative body were adopted by the voters, while 14 of the bills did not immediately result in a law. The educational effect, however, was very great.

The Oregon referendum vote is a complete demonstration that the system is practicable. From now on we should present the initiative and referendum as a demonstrated success in our own country.

The Oregon supreme court has held that the initiative and the referendum are not opposed to a republican form of government and therefore are constitutional. The case is Kadderly et al. against City of Portland, and is published in 74 Pacific Reporter. The case was decided in 1903.

Chapter 20.—THE VOTE IN THE OREGON ELECTION.

Voters Discriminated Carefully and Exercised Sound Judgment—Ignorant and Careless Voters Disfranchised.

Every magazine and review that is at all worthy of the name has published, or will do so soon, a statement of the workings of the new system of government in Oregon. Oregon has become the leading social experiment station of the world, for it is the only place in the world where the free spirit of a new country, untrammeled by monarchial and other fixed ideas and special-privilege customs, is operating through a system of government in which the people have become the ruling power. In other words, this is the first example of real majority rule among the more progressive people of the world under modern industrial conditions. The people of New Zealand have not yet secured the initiative and referendum, and the Swiss civilization is hampered by old-country customs and traditions. Naturally all students of social evolution are critically scanning the results in Oregon.

THE REFERENDUM VOTE IN OREGON.

The following are the majorities in the referendum voting in Oregon, June 4, reported by Hon. W. S. U'Ren, secretary People's Power League, Oregon City, Oreg.

For equal-suffrage constitutional amendment: Yes, 36,928; no, 46,971. Rejected by 10,043; total vote, 83,899. Vote for governor, 96,715.

For amendment to the local-option law giving Anti-Prohibitionists and Prohibitionists equal privileges: Yes, 35,397; no, 45,144. Rejected by 9,747. Total vote, 80,541.

For a law to abolish tolls on the Mount Hood and Barlow road, and providing for its ownership by the State: Yes, 31,525; no, 44,525. Rejected by 13,000. Total vote, 76,050.

For constitutional amendment providing method of amending constitution and applying the referendum to all laws affecting constitutional conventions and amendments: Yes, 47,661; no, 18,751. Approved by 28,910. Total vote, 66,412.

For constitutional amendment giving cities and towns exclusive power to enact and amend their charters: Yes, 52,567; no, 19,942. Approved by 32,625—2½ to 1. Total vote, 72,509.

For constitutional amendment to allow the State printing, binding, and printer's compensation to be regulated by law at any time: Yes, 63,749; no, 9,571. Approved by 54,178—6½ to 1. Total vote, 73,320.

For constitutional amendment for the initiative and referendum on local, special, and municipal laws and parts of laws: Yes, 47,778; no, 16,755. Approved by 31,043—nearly 3 to 1. Total vote, 64,513.

For a bill for a law prohibiting free passes and discrimination by railroad companies and other public-service corporations: Yes, 57,281; no, 16,779. Approved by 40,502—3.4 to 1. Total vote, 74,060.

For an act requiring sleeping-car companies, refrigerator-car companies, and oil companies to pay an annual license upon gross earnings: Yes, 69,536; no, 6,440. Approved by 63,195—nearly 11 to 1. Total vote, 76,075.

For an act requiring express companies, telegraph companies, and telephone companies to pay an annual license upon gross earnings: Yes, 70,872; no, 6,360. Approved by 64,512—11 to 1. Total vote, 77,232.

These figures are a complete demonstration that the people's rule is a success. The voters discriminated, for they accepted some of the measures and rejected others.

And the voters exercised a sound judgment, for the results are in line with the sentiment of the people's acknowledged leaders, except that woman's suffrage was defeated. But additional education work will accomplish the desired result.

To state it in a different way, the monopolists met their Waterloo. The tremendous majority of 11 to 1 against them and for equitable taxation is a sure index of what will come when the direct-vote system is established in national affairs.

The monopolists who have been operating in Oregon are losing their unjust advantage. They must overturn the people's sovereignty or quit the State. What they are attempting is outlined in the following special dispatch:

A MONOPOLIST TRICK.

"There is a strong sentiment being worked up in a quiet way," says the Portland (Oreg.) Telegram, "to have the legislature this winter call a constitutional convention." The object, it declares, "is to make it more difficult to submit matters to a vote of the people by referendum and initiative." The reason advanced to the people why they should be deprived of their sovereignty is the heavy expense to themselves whenever they vote.

Those who are thus solicitous for the people's interests are the monopolists, doubtless. Several of the monopolies in the State were taxed 3 per cent on their gross earnings at the last referendum election, and each city is now clothed with home rule and with majority rule. Unless the monopolists can reverse the situation and restore machine rule, their special privileges will all be wiped out.

But there is not the slightest possibility of a reversion to machine rule. The world is moving in the opposite direction. There is not a single instance of a people who have restored machine rule.

CHAPTER 21.—OPINIONS CONCERNING PEOPLE'S RULE IN OREGON.

UNIVERSAL APPROVAL EXCEPT BY MONOPOLISTS AND OTHER SPECIAL PRIVILEGISTS—OREGONIANS HIGHLY PLEASED—ABSENCE OF RADICALISM.

The Portland Oregonian, the leading daily paper in Oregon and conservatively Republican in politics, in an editorial entitled "Vox Populi," says:

"The questions balloted upon by direct vote were not party issues. They stood or fell upon their merits alone. They were studied without factional prejudice and decided, we may fairly suppose, solely with reference to the public good.

"It is one of the greatest merits of the initiative and referendum that it makes possible a clear separation between local and national issues. Under the older system, which still prevails in most of the States, the people could express their opinion upon such a matter as the Barlow toll-road purchase only by their choice of legislators. In determining this choice, numerous other questions necessarily played a part. Which party the candidate belonged to, how he stood on the local-option question, upon woman suffrage, and many other matters, would all unite to confuse the mind of the voter, and he could never express himself clearly, directly, and exclusively upon any particular point. The method of the initiative and referendum permits each voter to express his individual opinion upon every question standing entirely by itself and without admixture of personal or partisan bias.

"It absolutely separates the business department of legislation from the personal and partisan side. Suppose, for example, that a certain Republican voter was opposed to the Barlow road purchase, while the Republican candidate for the legislature from his district was in favor of it. Under the old system he could not vote for his opinion upon this matter of pure business without voting against his party. This was a real misfortune, and it greatly contributed to dishearten the common man with politics. It made politics seem to him a hopelessly complicated game—baffling, ineffectual, futile. It was all promise and no performance. Under the Oregon system the voter acts directly upon results. The individual citizen feels his manhood as he could not under the purely representative.

"The heavy vote upon the questions submitted to the referendum and the decisive majorities by which they were accepted or rejected prove that the Oregon system has solved the problem of interesting the voters in the dry details of government. Hitherto they have shown little interest in those matters because their opinion was only of indirect and doubtful consequence. In this election the vote upon abstract laws and matters of pure finance was quite as large and enthusiastic as upon the governor. The referendum bills and the amendments were disposed of by majorities ranging from 10,000 to 30,000, showing that the people had studied them and definitely made up their minds. A small, scattering, indifferent vote might well have discouraged the advocates of direct legislation and would have indicated that the task of interesting the plain people in governmental details was hopeless. The opposite result is proportionately encouraging.

"These large majorities also indicate that the people enjoy the genuine article in self-government; and their acceptance of the amendment facilitating constitutional

changes, the one requiring the referendum in cities, and the most excellent one bestowing complete local government upon municipalities seems to show that they are determined not to be satisfied with less than the whole. The tendency is well marked.

"In these matters Oregon is a pioneer. Genuine democracy has been more highly developed in this State than anywhere else in the country. The results of the last election give no ground to fear that the experiment may fail. The more completely the voters trust themselves the more worthy they find themselves to be trusted. What could be more heartening to those who believe in government of, for, and by the people?"

In an article in the Review of Reviews, entitled "Oregon as a Political Experiment Station," by Dr. Joseph Schafer, the concluding paragraph is as follows:

"We remark among the Oregon people a genuine joy at the discovery of their political capabilities. Representative government is good, but there is no exhiliration, but in direct participation in law making the interest is sharpened, the intelligence is quickened, and moral susceptibilities are aroused. The Oregon people are convinced that in the double form of government, partly representative and partly direct, they have discovered the true solution of the problem of self-government in our American States."

In an earlier paragraph of the article it is pointed out that the eleven questions provoked a vast deal of discussion, and it is remarked:

"Indeed, for a number of months past the people of Oregon have all been more or less actively engaged in the business of legislation. The educational benefits incident to the system are bound to be very important. With a change of the initiative law perfecting the method of distributing copies of proposed measures to the voters, there is no reason why every farmers' club, labor union, and lyceum in the State can not become in effect a miniature legislative assembly. In this way the interests of all sections and all classes of the people are bound to receive attention; measures will be produced for submission to the local representatives and others to go before the people at the general elections. Already there is much discussion of new reforms—the correction of defects in the primary law, the creation of as many representative districts as there are representatives in the legislature, a law giving cities and legislative districts the power to recall officers for cause; some go as far as to suggest the adoption of the English principle which allows a constituency to select its candidate for the legislature from any part of the State, and allows men to seek election in several constituencies at the same time, insuring the return of all the most desirable legislators.

"But, with all this political activity, there is no evidence of dangerously radical tendencies. The people want to make their government as perfect as possible, but are not disposed to hurry the process unduly. The recent election, indeed, revealed in a striking manner their conservative disposition. The defeat of the equal-suffrage amendment and the large majority in favor of the general appropriation bill, which was almost universally denounced when passed by the legislature, are illustrations in point. So far from the initiative and referendum endangering the stability of our institutions, they are likely to act as a sobering and steadying influence upon the entire electorate."

Chapter 22.—COMPLETE SUCCESS IN SWITZERLAND.

People Would Fight and Die in Defense of Their Sovereignty—Direct Vote Essential to People's Sovereignty.

Professor Frank Parsons, a member of the Boston bar and an eminent authority on the referendum, on his return from an extensive trip to Europe said:

"In Switzerland, where the referendum and initiative have been so many years in use, the people are now substantially a unit in their favor. They have proved so useful in checking corruption and controlling monopoly, so wisely conservative and intelligently progressive, that even those who strongly opposed the referendum before its adoption are now convinced of its value.

"I was recently in Switzerland for several weeks, visiting nearly all the most important cities and talking with men of every class—heads of government departments, presidents of cities, college professors, hotel proprietors, secretaries of chambers of commerce, lawyers, doctors, editors, business men, and workingmen of every description—and I did not find one man who wishes to go back to the old plan of final legislation by elected delegates without chance of appeal to the people. I talked with men whose pet ideas had been turned down by the referendum, and with men who were strongly opposed to important measures adopted by the people, the nationalization of the railways, for example, but they were all convinced that on the whole the referendum was a good thing—the people made some mistakes, they thought, but they did far better than a legislature acting free of the popular vote. There are no lobbies, no

jobs, no machine legislation; everything is fair and honest, and even the legislators like it. because it gives them a life tenure practically (since the people frequently reelect the legislators at the same time that they veto some of their acts), and, more important still, it lifts the representatives into a purer atmosphere, adds to their dignity, increases the popular appreciation of their services, and frees them from the suspicions that attach to them under the lobby-ridden system of unguarded representation, or government by an elective aristocracy having final power to make laws the people do not want. Nothing could be clearer or more vigorous than the testimony of the Swiss people in favor of the referendum."

To the same effect is the following testimony of Mr. Wilson, a Swiss official:

"The repeal of the referendum and the initiative would not be tolerated for an instant; the Swiss yeomanry would fight and die in its defense as willingly as they would resist a foreign invader who sought to rule over them."

The explanation is that the rule of the few in any form is obnoxious.

Chapter 23.—PEOPLE'S RULE IN SOUTH DAKOTA.

System Incomplete—Thoroughly Effective as Far as Established.

To the extent that the people's rule is established in South Dakota it is a complete success.

The system was framed in a reform legislature in 1896–97, but the initiative system is largely ineffective. It prescribes that each measure proposed by 5 per cent of the voters shall be *enacted* by the legislature and submitted to a vote of the electors of the State. This is absurd. An initiative bill for a direct nomination system was proposed two years ago, and the House, after hesitating a time, enacted the bill, but the Senate balked. The sensible thing to do is to enact a law for the advisory initiative to take effect immediately, and at the same time submit a constitutional amendment.

Furthermore, the referendum system is such that the legislature can prevent a reference to the people by declaring a measure to be immediately necessary and then give to it a two-thirds vote. The supreme court of the State has decided that the discretionary power of the legislature is not subject to review by the courts.

With this exception the referendum system (the people's vote) is effective. The last step in the establishment of the system was in 1898, since which time the people have possessed an option to veto the acts of the legislature. The mere existence of this optional power has been effective, for not one measure has been ordered to a vote of the people.

None of the vicious bills were passed, and the number introduced was greatly lessened. A noted illustration occurred during the first session of the legislature. A bill was fathered by the State bankers known as the negotiable instrument bill. During the course of its passage to third reading it became evident that if finally passed it would be ordered to a vote of the people and that they would reject it. The party in power quietly refused to pass the bill.

The following statement by Governor Herreid, of South Dakota, is taken from a speech in the Toronto parliament by a Canadian who had visited South Dakota:

"Since this referendum law has been a part of our constitution we have had no charter mongers or railway speculators, no wildcat schemes submitted to our legislature. Formerly our time was occupied by speculative schemes of one kind or another, but since the referendum has been a part of the constitution these people do not press their schemes on the legislature, and hence there is no necessity for having recourse to the referendum."

Municipal Affairs.

In municipal affairs in South Dakota both the initiative and referendum are effective. There are 25 cities in the State of more than 1,000 population, and for seven years the citizens have been the ruling power. The mere existence of the right to veto the acts of the city councils has usually been effective. And only a few questions have been presented by initiative petitions.

Needless to say there is no reign of graft in the city councils in South Dakota.

(For further details see special number Pennsylvania Grange News for September, 1904, page 42.)

Chapter 25.—PEOPLE'S RULE A SUCCESS IN AMERICAN CITIES.

Monopolists' Newspapers and Associated Press Suppress the News Concerning Success of People's Rule.

The State machine in Iowa has always been cleaner and more in the people's interests than in any other State, due to the fact, doubtless, that the farmers have been very independent in voting. In one of the Republican platforms some years ago it is

expressly stated that members of a party should not vote for unfit candidates, no matter on what ticket the names are put.

Proof of the character of the Iowa State machine is its legislation. An illustration is the large amount of power given to the voters as to city affairs by statute law. In the revised code of 1897 the people's veto and the power of direct legislation are extended to nearly all the municipal monopolies.

The result of the people's control of municipal monopolies in Iowa has kept the cities from the degree of political corruption which prevails in the adjoining States. While the people of Chicago and St. Louis have been threatening to hang some of their aldermen, the cities in Iowa have been politically clean to the extent that the people's rule has prevailed.

In the year 1900 the Republican party in Iowa reached the stage where it provided separate ballots for men and for measures.

Owing to the character of machine rule in Iowa there has been only a meager third party movement. In the neighboring State of Nebraska, where the Republican machine became exceedingly corrupt, a third party came into power.

Several cities in States other than those mentioned have fully established the initiative and referendum in municipal affairs. Among these cities are Los Angeles, San Diego, Pasadena, San Francisco, Sacramento, and a few other cities in California; Tacoma and Seattle, in Washington; Denver, Colo.; and San Antonio, Tex. Winnetka, Ill., has the advisory initiative, installed by the village board. Geneva and Belleville, Ill., possess the advisory initiative and advisory referendum, likewise installed by ordinance. Detroit has the advisory referendum, and Buffalo the advisory initiative, each of which was installed by act of the city council.

All these systems are effective. Wherever the people can express themselves by direct vote their will is obeyed, except where there is not sufficient interest to pledge the candidates for office to obey instructions when given by referendum vote.

(For further details see page 22, above.)

Chapter 28.—ANSWERS TO OBJECTIONS.

All sorts of objections are urged against the reestablishment of the people's rule.

Objections come from three sources: From those who are not informed, also from the misinformed, and from the ruling few or their agents.

Honest objectors, if they will make inquiries, can quickly become informed.

Even the objections from the ruling few are largely based on a misunderstanding. They fail to grasp the fact that the reestablishment of the people's rule in this country will tremendously benefit everyone. The monopolists, especially, will be benefited, for they have accumulated fortunes and what they most need is a stable government. This they can not hope for under the continued rule of the few. Furthermore, under the people's rule every one will share in the improved social conditions. Corruption, which now exists on every side, will cease, for the conditions which cause it will be terminated.

The objections most frequently urged are as follows:

Objection No. 1.—Too many bills would be referred to the voters. The system is impracticable.

Answer. Not so, for it is the optional form of the referendum that is demanded. In other words, no law of Congress or bill passed by a House is to be referred to the people unless demanded by petition. This is the optional referendum and is to be distinguished from the compulsory referendum—the absolute referring of bills to a vote of the people before they can become law.

And the use of the advisory initiative is to be optional with the voters. In Switzerland during the fifteen years that the initiative has existed in federal affairs only three bills have been submitted by initiative petition. In Oregon, where machine rule was deeply entrenched, twelve questions have been submitted by initiative petition in four years. The people are jubilant. They have become free men and women. Without direct legislation they would still be ruled by the machine.

The mere existence of the voters' option to call for a direct ballot is usually effective, just as the mere presence of a policeman keeps down the toughs. The existence of President Roosevelt's veto power is always borne in mind by the House and Senate; likewise the people's power to instruct, when established, will be kept in mind by the Representatives at Washington. Some of the needed legislation, however, will have to be proposed by petition, for Congress, as at present constituted, will refuse to frame and pass real antimonopoly bills.

Objection No. 2.—The area of the United States is too great for the successful establishment of a direct-vote system for public questions.

Answer. No, for our people are already voting on national issues, as is evidenced by the vote on the silver question, expansion, tariff question, etc. We are actually

voting on these national issues and, therefore, the country is not too large. What is needed, as all must admit, is a system whereby we can separate issues from candidates, and separate the issues themselves. This can be accomplished by providing that on election day the election judges shall hand to each voter a referendum ballot, in addition to the ballots for candidates. Isn't that practicable? Of course it is. Referendum ballots are being used in Iowa, South Dakota, Oregon, and other States. There is no question but that the referendum ballot can be used.

The fact is that the larger the area of a country the greater the need for the referendum ballot, because the questions are more numerous. This proposition can not be successfully disputed.

Objection No. 3.—The ignorance and vice in our great cities is too great for a direct vote on public questions.

Answer. Wrong again, as is absolutely demonstrated by the referendum voting itself, for less votes are cast on public questions than for candidates, which means that the ignorant and careless voters do not mark the referendum ballots. In other words, the referendum system is a system for automatically disfranchising the ignorant and careless voters. (See Oregon returns, p. 26.)

At the same time the people establish compulsory education for children—the future voters, and child labor is abolished.

There is no vote purchasing at referendum elections to attract the ignorant and careless, because it does not pay. No one can afford to purchase votes at a referendum election except those who are working for a special privilege, and special privileges are granted by the people at referendum elections only where the situation necessitates it; for example, the establishment of a county seat or State capital.

Special privileges in general are the result of delegated power by the people. Reestablish in the people the final power, and special privilege will soon be a thing of the past.

Objection No. 4.—Admitting that results in Switzerland demonstrate that the initiative and referendum is a success, it does not follow that it would be a success in America, because conditions here are so entirely different from what they are in Switzerland.

Answer. Previous to 1830, which was about the time the convention system was established and became debased to machine rule, the people of the United States voted directly on public questions whenever they chose to do so, and that early period is America's pride. De Toqueville, the French historian who came to America in 1831 and studied its institutions, was in France during the Revolution of 1848 and issued the twelfth edition of his book, "Democracy in America," and in the preface said:

"In the United States for sixty years the people have been the common source of all their laws and—consider it well—it is found to have been, during that period, not only the most prosperous, but the most stable, of all nations of the earth."

"The American Republic has not been the assailant, but the guardian, of all vested rights; the property of individuals has had better guaranties than any other country in the world."

This was the result of the people's rule before the establishment of machine rule, and who can doubt but that a return to majority rule will be for the best interests of society? Oregon is a practical illustration of what the people's rule means. In Oregon the initiative and referendum is a complete success. Machine rule has been uprooted and the people's rights are being protected. The people's rule is a demonstrated success in this country, as well as in Switzerland.

Objection No. 5.—The submission of all bills passed by Congress is impracticable.

Answer. Yes, and there is no one in America who is asking that all bills be referred to the people. In Switzerland the compulsory referendum does exist in eight cantons, while the optional referendum exists in nine cantons and in federal affairs. This distinction between the two forms of the referendum should be borne in mind whenever there is a criticism of the Swiss system. The objections to the compulsory referendum are valid.

Our opponents who bring up objections to the compulsory referendum put up a man of straw and then knock him over. We, too, are opposed to the compulsory referendum of all bills.

Objection No. 6.—You would do away with elected representatives.

Answer. Not at all. We would take from them the final power; that is all. We would have them subject to instructions, as are our lawyers, and as were the members of legislative bodies previous to the rise of the convention system. Our lawyers look up our cases for us and we instruct them. If we should give our lawyers signed powers of attorney we should be considered crazy; but the American people give to each Congress a signed power of attorney to go ahead and legislate as it may choose. Congress is a ruler; and back of it is the party organization which rules Congress. It is high

time that we people should reestablish a direct-vote system, so that we shall be the final power—the ruling power.

Objection No. 7.—It is wrong to say that the people can not elect honest representatives.

Answer. Our position is misrepresented. Many honest men are in office. What we claim is that the system is bad. It is bad because the machine which dominates each convention nominates the candidates therein and instructs them. The representatives have practically nothing to do with determining the principal measures that they shall vote for. This can not be disputed successfully. The remedy is to abolish the convention system by establishing direct nominations and also the initiative and referendum principles. Then the voters will still elect representatives, but will not delegate an unnecessary amount of power. We do not hand to our lawyers a signed power of attorney, nor should we delegate to our elected representatives a power to legislate as the party machine may dictate.

Objection No. 8.—This demand for the initiative and referendum is socialistic.

Answer. Not at all. It is a demand for the restoration of self-government. The term "socialism" describes a proposed system of industry entirely distinct from the system of government.

Chapter 31.—POLITICAL INVENTIONS.

Three Remarkable Inventions are Destroying the Machine-Rule System of Government.

When the convention system was established it promoted the people's interests. Soon, however, it degenerated into machine rule. It is eighty-five years since the first State convention was held and seventy-six years since the first national convention assembled.

Only in recent years, however, has the convention system been improved upon. A return to an optional direct-vote system for public questions was proposed in this country in 1888. For thirteen years the only plan for establishing the system was by constitutional amendment, which involves a long-drawn-out campaign and which prevented the question from becoming the paramount issue. Furthermore, it was supposed that the only way to secure the submission of a constitutional amendment was to capture the State convention of the dominant party or win through the minority party or build up a third party.

Several short cuts to liberty have been devised:

IMPROVEMENTS IN POLITICAL METHODS.

1. The advisory initiative. Statute law is all that is needed at the start. There is no need to wait for years for a constitutional amendment. In national affairs a constitutional amendment can not be secured while machine rule exists.

2. A programme has been devised whereby the improved system can be installed nationally in a single campaign; and

3. The systematic questioning of candidates raises the issue, and as it is such that candidates dare not openly oppose it, if an opposing candidate or a few citizens stand ready to take the case to the people, it compels them to pledge or be defeated.

These three political inventions are of tremendous importance, for the power to immediately install the people's rule makes it the dominant issue, then the questioning of candidates prevents an evasion of the issue (provided an opposing candidate or a few citizens stand ready to take the case to the people), and as the issue is such that candidates dare not refuse to pledge, the next result is that the people can win at once. All the candidates for the National House have been questioned and reports will be mailed to the daily newspapers in each district. Watch for the reports, also sail in and question candidates at every meeting. See to it that they discuss the issue.

The invention of gunpowder terminated the semi-independence of the English barons, for the King's cannon could batter down the castle walls. To-day the political inventions we have described will quickly cause the overthrow of the trust kings, for the machine-rule candidates can no longer evade the initiative and referendum issue, and they dare not openly oppose it. Already the people have met with success in Maine, Delaware, Ohio, and other States, and for four years have had more than a majority of the Congressmen from Missouri. This year a majority in the House can easily be secured. And a majority vote in the Senate, too, if the candidates for the legislature are questioned.

Chapter 32.—STATESMANSHIP A PROFESSION.

American Statesmen are Adaptable to Improved Political Conditions.

King Edward, when asked what he would do if England should establish a republic, is said to have quickly replied: "I would stand for the presidency and be elected."

Likewise our American statesmen are adaptable to improved political conditions. As rapidly as the electors establish safeguards it does not mean an entirely new set of public officials, for those who are real leaders will be continued in office, living on the higher level. They are not machine politicians from choice. Under existing conditions it is absolutely necessary to play the game of machine politics or quit.

In Oregon, a Republican State, a Democratic statesman is continued as governor of the State, because he protects the people's interests. Most of the old-time Republicans are continued in office, but the establishment of proportional representation will result in the discarding of mere camp followers.

Among the advantages to the officeholders themselves of a veto power in the voters and the power of direct legislation, is that it lifts the representatives to a purer atmosphere, frees them from the suspicions that attach under the machine-rule system, adds to their dignity, and increases the popular appreciation of their services. For those who are especially adapted, a life tenure is practically assured. Thus politics becomes a profession.

Chapter 38.—SEPARATION OF ISSUES IS NEEDED.

Referendum the Open Sesame for Reform—Everyone Must Admit the Need for Separation of Issues.

The central point in a demand for the initiative and referendum is that the issues before the people shall be separated—separated from the question of the candidates' fitness, and that the issues themselves shall be separated from each other. You, the people, should possess the power to vote for the measures you want without having to vote for a candidate; and you should be able to vote for one measure and against another.

You can not do this. Why? Because the monopolists and the other robbers don't want you to. But this year the candidates for Congress have been questioned on this issue, and their report has been published throughout the various districts. Now you can get your rights—you can reestablish your liberties.

Who can object to a separation of the issues? The only objectors are those who do not want you to rule.

Consider the proposition a moment: Everyone knows that the tariff is used as a shelter for the trusts, and that it is contrary to the protective-tariff doctrine. But you are not permitted to vote on that issue, unless you agree to take the entire Democratic party.

The members of the Democratic party may want to vote for some one of the Republican policies, but can not do so without voting for the entire Republican party—Tom Platt and all his fellow-monopolists.

That is not self-government by the people. It is merely voting for rulers. And that ruler is a machine. It isn't a man—a Roosevelt or a Bryan—it is a machine, the ruling power of which is hidden from sight. The ruling power in the party machines is the few men who contribute the campaign funds. They are the ones who dictate what the money shall be used for and thereby control the party policies.

You all know that this is so. Then why not insist on a separation of the political issues?

We have a dozen or more national questions that are pressing for answers, yet not one of the issues can be voted upon by itself.

You know that. Now what are the Congressional candidates urging as the reason for your voting for them? Each candidate has a different set of reasons. That is a fake system of popular government. All that you can do is to vote to install one machine or the other; and then there is no telling what the dominant machine will do. Grover Cleveland was elected on the tariff issue and called a special session of Congress to deal with the money question. Theodore Roosevelt was elected on the platform which did not ask for a railway rate bill, but he forced a fight along that line.

Machine rule simply means the election of a ruling machine. Fellow-citizens, demand a system whereby you can separate measures from men, and can also separate the issues themselves. He who objects to this is a traitor to self-government.

Chapter 45.—LEGITIMATE PROPERTY INTERESTS PROTECTED UNDER PEOPLE'S RULE.

Machine-Rule Government a System of Robbery.

The monopolists' real objection to the direct-vote system is that it will terminate private monopoly. But it would not do for them to openly state the issue. Therefore, false issues are raised. The principal one is that property interests will not be safe under majority rule.

The fallacy can be exposed by asking for a definition of property interests.

Many a fallacy can be exposed by asking for a definition.

"Property interests" is too broad a term to be used in the present discussion, for it includes the monopoly element in railway stock, gas stock, etc. This monopoly element must be taken out. Everyone admits that watered stocks are an abomination. The water must be squeezed out.

Furthermore, the monopolists and other great interests are largely escaping taxation. They will have to pay their fair share when they lose control of the Government. This will affect their property interests.

What the people's rule will do is to protect *legitimate* property interests.

That such is the case is demonstrated wherever the people are in power; for example, in township affairs in this country, and in State and national affairs previous to the rise of machine rule, and in Oregon and South Dakota to-day, likewise in Switzerland. No one is even claiming that in these places there is any attack on legitimate property interests.

One of the principal means which the monopolists employ for the defense of their illegitimate property interests is the cry that the rule of the majority will result in an attack on property interests. These monopolists carefully refrain, however, from distinguishing between legitimate and illegitimate property interests. Captain Kidd would have objected to the people's rule, because it would have resulted in the loss of his property. But every legitimate property interest is protected under majority rule.

In fact, it is only through the establishment of majority rule that you can protect the legitimate property interests. Under the rule of the few, as at present, legitimate property interests most pay tribute to the trusts. Legitimate property interests are robbed on every side. This is splendidly illustrated in Opper's cartoons. Probably $10 a month is filched from each family by the trusts.

Chapter 46.—STABILITY FOR BUSINESS INTERESTS WILL BE RESTORED.

Restoration of People's Rule will Terminate Private Monopoly—Every Business Man Vitally Interested.

The restoration of the people's rule will affect every fiber of our industrial life; for example, it will restore stability for business interests. Such will be the result of terminating private monopoly. At present we have trust rule.

To-day every business man encounters special privileges on every side. Under the people's rule there will be a restoration of equal rights between competing firms. At present there are unfair advantages. A grain-shipping corporation, for example, gets a secret rebate. And this unfair method prevails in nearly every branch of business.

You say, "We have a new railway law." Yes, we have had several, but each has been weak to begin with, being enacted by a machine-rule Congress, and then the Supreme Court has knocked out the law.

But, for the sake of argument, suppose that the leopard will change his spots. Do you believe that the seven men on the Interstate Commerce Commission are strong enough to compel the termination of secret advantages? Doubtless not. And if the present members of the Interstate Commerce Commission are on the people's side they can be ousted in a later administration unless the people's rule is established.

The railroad trust is only one of the unlawful combinations in restraint of trade. In practically every field of industry there are unlawful combinations. These can be reached under the people's rule. Whatever remedy the public welfare requires can be applied. Certain it is that every legitimate business interest will be promoted. Private monopoly is illegitimate and will not be tolerated.

If there is a world-tendency to monopoly of industry—the gradual elimination of competing business firms—we need have no fear, for the direct-vote system will enable the people to maintain their supremacy.

Mr. Bryan believes that competition between business firms will be maintained during the coming years. It is needless to speculate, for it is all in the future. To-day we have competition between business firms, but there are unfair advantages; for example, secret rebates. These unfair advantages can largely be terminated when the people rule.

Why speculate as to what the future will bring forth? We have an issue of our own for this year: The question is, Shall the people's rule be established? Shall we reestablish a direct-vote system for national issues?

Unless we stick to this issue we are liable to confuse our thoughts. The question of socialism or individualism is not an issue. These questions can only arise when you consider how industry shall be managed. To-day we are considering whether the people shall recapture the Government. To recapture the Government is not social-

ism or individualism; it is self-government. Let us keep these issues separated. Let us fight for the restoration of a direct vote for public questions. When we have won that, we shall take up the industrial questions. Not until we recapture the Government can we use it. One step at a time, and this year let us step into a self-government era.

Every citizen who is not a monopolist is anxious for the reestablishment of his power in the Government. Self-government must be established; then we can confidently face the future.

One more thought: A monopolist is not a business man. He is a politician, for his existence as a monopolist is dependent upon his control of the Government.

Chapter 54.—A MORAL ISSUE.

Ministers Declare for Termination of Machine Rule.

At the general conference of the Episcopal Church three years ago a half day's session was devoted to papers and addresses showing that the referendum is a moral issue.

April 15, last year, the following resolution was adopted in Maine:

"The Maine conference of the Methodist Episcopal Church heartily indorses the principles of the initiative and referendum. The secretary is directed to prepare a memorial in favor of the initiative and referendum and send it to the Maine legislature of 1907."

In California two years ago the following circular letter to the ministers and people of the State was issued:

"Civic reform and a revival of practical righteousness can not be secured by individual or religious efforts alone, without regard to environment and practical means of working. Our duty and responsibility as voters also requires us to secure a simple method by which Christian influences can be made most effective in promoting the public welfare. The best method yet proposed for nonpartisan political action is direct legislation—the initiative and referendum."

Then follows a description of the system and the beneficial results wherever adopted, and in conclusion:

"Will you not kindly do all you can to aid this great forward movement in the interest of morality?"

This statement is signed by a bishop and the pastors of three Methodist churches, the pastors of two Presbyterian churches, two Baptist churches, a Congregational Church, an English Lutheran Church, and a Christian Church, all in Los Angeles, also a presiding elder in the Methodist Church, and the president of a college.

What makes this Los Angeles appeal invincible is that the initiative and referendum system is in actual operation in that city, and consequently the ministers therein know just what it means.

Nationally and internationally there is the same great need for the initiative and referendum. Rev. Wilbur F. Crafts, the legislative superintendent of the International Reform Bureau of Washington, describes in the following words the results should the people's sovereignty be established in national affairs:

"Temperance legislation would then receive much greater consideration. And laws against gambling, cigarettes, adulterated foods and medicines, and other forms of evil would easily be controlled. Military and naval expenditures would be cut down, while international peace and good will would be promoted to the utmost. To-day the trusts are in power, as is evidenced by trust prices, and they are eager to find world markets for the growing surplus—a surplus not beyond our wants, but beyond what the wages and incomes of our people can purchase."

Chapter 56.—AN ORDER OF TIME IN SOCIAL DEVELOPMENT.

A Vital Principle in Planning for Reform.

That our nation is developing is an admitted fact; as also is the fact that there is an order of time in these developments.

The difficulty is to determine the direction and the exact order of time.

The only guide for our reason is history. The history of progressive nations indicates the line of advance.

In this country what is the line of the political advance?

There are two principal streams: One is an onslaught against machine rule and for the people's rule, the other is a demand for the repeal of machine-rule legislation and the enactment of popular laws.

While both lines of advance are being pressed, and pressed hard, the one that is making greatest headway is the onslaught against machine rule, for the system must be

changed. It is not enough to exchange one machine for another. And it is exceedingly easy to change the machine-rule system, for no one openly defends it. We simply have to point out the remedies and educate the people.

Already a large amount of political reform has been accomplished and the wave is rising higher and higher. Direct nominations exist or is promised in half the States, while direct voting on public questions is installed or is promised in one-fourth of the States, with a national campaign in full swing.

Most of this is the result of only four years' work, and the people's knowledge of the movement is increasing at a prodigious pace.

It is like the advance of the Australian ballot, except that it is more rapid, for the relief is much greater, and the existing evils are more serious, which impels the people to greater activity.

Furthermore, a new method of campaign has been devised and is being employed. Machine rule is being overthrown in a single campaign and without the trouble and expense of capturing the conventions of either of the leading parties or the building up of a third party. The programme that is accomplishing this wonderful result is the systematic questioning of candidates for the establishment of the initiative and referendum. This prevents an evasion of the issue, and the voters' self-interest results in the election of pledged candidates.

This nonpartisan system has been used for three years with striking success, this year's campaign being the fourth. All candidates for Congress have been questioned and the replies are being given to the newspapers.

Thus the people are becoming informed, and in such a way that candidates must pledge or be defeated.

It is clear that the onslaught against the machine-rule system is making great progress and will soon win nationally and in all States.

Compare, now, the movement for legislative reforms:

In Congress a good start has been made under President Roosevelt's leadership. But the monopolists' machine is still entrenched and has given us only a few of the needed laws; and these have been filled with provisions which the machine-rule Supreme Court can declare unconstitutional, as it did the Cullom railway rate law and the income-tax law. Isn't it clear that the most important thing for us voters to work for is the immediate establishment of a direct-vote system for national questions so that we can enact laws by direct legislation and propose constitutional amendments? Certainly! And such is to be the order of time for reform. First the reestablishment of the people's rule and then the people can get what they want.

Chapter 58.—HOW TO SOLVE THE TRUST PROBLEM.

Establish People's Rule and the People will Protect Themselves—Workable Programme Pointed Out.

How will the trust problem be handled when the advisory initiative is established?

Certain broad lines can be foretold; for example, that excessive rates by railroad corporations will be terminated, discriminations abolished, hours shortened for employees and wages raised, and life-saving devices increased. In other words, the amount of actual capital invested will be ascertained and the rates reduced, all shippers will be treated alike, the condition of employees improved, likewise the safety of the public and of employees.

That is what the people are demanding and will get. As to just how this result will be accomplished, whether by public regulation alone or through public ownership of the capital stock, is a detail.

And the monopolies of raw material, such as coal and iron ore, will be terminated. Equal rights for all manufactures will be established. This will restore competitive prices for the finished product. It will terminate trust prices, provided there are equal rights in transportation and the further improvements indicated in the following paragraph.

A third reform will be the establishment of equal rights for all the patrons of large establishments, such as the American Tobacco Company and the American Sugar Refining Company.

A fourth set of provisions, but which probably will not be established for some years, will be the legalizing of certain trade combinations and agreements under rigid restrictions, for at the present stage of industrial development, even with equal rights to transportation and raw material, it doubtless will be impracticable to prohibit all combinations. Such prohibitions would largely be ineffective. The unification of industry is taking place, and competing firms are discovering various ways to limit competition. Some of the restrictions are manifestly for the public welfare; for example, the early closing of retail establishments, also the lessening of cut-throat

competition. The retail druggists and other tradesmen should not be forced to break the law or suffer cut-throat competition.

LINE OF LEAST RESISTANCE FOR RESTORING INDUSTRIAL FREEDOM.

The line of least resistance for securing the desired legislation and constitutional amendments is to pledge candidates for public office to work and vote for the establishment of the advisory initiative, then call a people's rule national conference for framing the bills and constitutional amendments. After the measures are agreed upon they will be affixed to initiative petitions, printed and circulated for signature and filed with Congress. Congress will then take testimony, frame competing measures and both sets will be submitted to a referendum campaign and vote by the people. The people will take their choice or reject them all.

In such a campaign the monopolists will not invest money, for the result will be a foregone conclusion. The monopolists will know that all their special privileges will be taken from them and therefore will stay out of the campaign. In the recent Oregon contest the monopolists made no effort to prevent the enactment of initiative measures aimed against them, for it was clear that the great mass of the people were against private monopoly. On election day the vote was against the monopolists, 11 to 1.

A further fact will be that at election time the ignorant and careless voters will not indicate a choice on the referendum ballots. This will leave the decision with the intelligence of the country. This was the case in the recent Oregon election. The vote on measures was less than for candidates, which is one of the advantages of the referendum system. The ignorant and careless voters are automatically disfranchised. Yet the monopolists would have the people believe that, because the referendum vote is smaller than the vote for candidates, the system is impracticable. That is strange logic.

It is clear that if the people's rule is reestablished they will protect themselves. They can solve the trust problem.

CHAPTER 62.—REPUBLICAN FORM OF GOVERNMENT.

INITIATIVE AND REFERENDUM ARE CONSTITUTIONAL.

In every State and Territory there is a movement to reestablish in the people a right to a direct vote on public questions, and some one asks the question: "Is the initiative and referendum in combination with elected representatives a republican form of government?" This is because the Federal Constitution declares:

"The United States shall guarantee to every State in this Union a republican form of government."

What is the meaning of "republican form of government?"

THE MEANING OF REPUBLICAN FORM OF GOVERNMENT.

The meaning is clear when we consider the surroundings under which this declaration was issued. As is well known, the contest in the Constitutional Convention was between the Republicans and Monarchists. In the words of Luther Martin, a member of the Constitutional Convention, in his report to the legislature of Maryland:

"It may be proper to inform you that on our meeting in convention it was soon found there were among us three parties of very different sentiments and views.

"One party, whose object and wish it was to abolish and annihilate all State governments and to bring forward one General Government over this extensive continent, of a monarchical nature, under certain restrictions and limitations. * * *

"The second party was not for the abolition of the State governments, nor for the introduction of a monarchical government under any form; but they wished to establish such a system as could give their own States undue power and influence in the government over the other States.

"A third party was what I considered truly federal and republican; this party was nearly equal in number with the other two. (Secret Proceedings and Debates of the Convention, 1787.)"

In short, "republican form of government" is the opposite of "monarchical form of government."

To the same effect is the statement in letter 43 in The Federalist, by Madison, addressed to the people of the State of New York, urging them to adopt the proposed constitution. In stating the reasons for the provision "The United States shall guarantee to every State in the Union a republican form of government" he says:

"In a confederacy founded on republican principles, and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchical innovations."[21]

Here is a clear-cut classification; "republican" is used as the opposite of "monarchical" and "aristocratic" forms of government. In other words, a republican form of government is a system in which the people are the supreme or sovereign power. A monarchical or aristocratic form of government is a system in which the sovereign power is in less than a majority. It is the rule of the few.

The people's rule, namely, a republican form of government, may be through representatives, or by direct vote, or through a combined system of representatives and direct vote. At the time the Federal Constitution was adopted the people in the States used the combined form. In all the States they elected members of the legislature, and in New England they voted direct on public questions at town meetings; in all the other States the people voted direct at mass meetings, the will of the majority being an instruction. At town meetings, too, representatives were instructed. The Bill of Rights in the North Carolina constitution of 1776 declared:

"XVIII. That the people have a right to assemble together, to consult their common good, to instruct their representatives, and to apply to the legislature for redress of grievances."

Practically the same statement is in the Massachusetts constitution of 1780.

These are the unquestioned facts.

The mixed form of government in use in the States in 1787, namely, partly representative and partly direct, was a republican form of government. The supreme power was in the people.

This is expressly recognized in Mr. Madison's letter above referred to, for he says:

"But the authority of the United States extends no further than to a guaranty of a republican form of government, which supposes a pre-existing government of the form which is to be guaranteed. As long, therefore, as the existing republican forms are continued by the States, they are guaranteed by the Federal Constitution. Whenever the States may choose to substitute other republican forms, they have a right to do so, and to claim the Federal guaranty for the latter. The only restriction imposed on them is that they shall not exchange republican for anti-republican constitutions; a restriction which, it is presumed, will hardly be considered as a grievance."

The above-described meaning of "republican form of government" is recognized in all the books on constitutional law and in the opinions of the United States Supreme Court judges. There is no question as to the meaning of "republican form of government" except an occasional obiter dictum by judges who have been elected under machine rule.

The trick is to say that a republican form of government is representative government. This deception is exposed by referring to the system in use in the States at the time this provision was adopted. Then show that "republican" means the people's rule, the exact opposite of a monarchical system of government.

In Kadderly against the city of Portland, the Oregon supreme court expressly held that the initiative and referendum in combination with a legislature is a republican form of government. This case is published in 74 Pacific Reporter. In South Dakota, where the system has been in operation for seven years, the monopolists have not even taken to the supreme court the question, " Is the initiative and referendum a republican form of government?"

SOPHISTRIES.

An illustration of how an advocate for the ruling few can twist facts is an open letter "To the People of the Proposed State of Oklahoma," by Virgil M. Hobbs, counselor at law. In an article published throughout Oklahoma, he attempts to demonstrate that if the people of that State incorporate the initiative and referendum into their system of government it will be an anti-republican form of government, and therefore that the State will have to reconstruct its system of government before representatives from the State will be recognized by Congress or by President Roosevelt.

Absolute proof that Mr. Hobbs is wrong is the fact the Congressmen and Senators from Oregon and South Dakota are seated at the National Capitol.

Mr. Hobbs evades this conclusive fact. He is guilty, also, of several other gross fallacies. For example, he quotes from letter number 10 in the Federalist as to the meaning of a republic and then argues from this as to the meaning of "a republican form of government," carefully concealing the fact that letter number 43, in the same book, expressly states the meaning of "republican form of government." (See preceding quotation.)

Furthermore, Mr. Hobbs conceals the fact that all the text-books on constitutional law recognize that the meaning of "republican form of government" is found by examining the systems of State government in use in 1787.

Mr. Hobbs conceals all this and quotes from the opinions of two or three judges, absolutely misstating the point in one of the quotations.

It is clearly apparent that when Mr. Hobbs's argument is dissected there is nothing left of it. It is an attempt to deceive the people.

Chapter 63.—MACHINE RULE IS NOT REPRESENTATIVE GOVERNMENT.

Machine Rule is the Rule of the Few—It is Antirepublican and Undemocratic.

Machine rule is not representative government, for it is a notorious fact that the people are not represented. It is a trick to say that machine rule is representative government.

The only States where representative government exists are where the people possess the power to instruct representatives, or, better still, possess a veto power and the power of direct legislation.

Where this power is not possessed by the people there is machine rule. The people elect a machine which they can not instruct, and whose acts they can not veto. They elect a ruler. This ruler possesses absolute power to inflict on its subjects such laws as it chooses to enact, within constitutional limit, precisely as in a monarchy. This ruler can snap his fingers in the voters' faces and they can do absolutely nothing except to elect some other ruler at the next election. And the new ruler will likewise have the power to rule as it pleases.

It follows that machine rule is not a republican form of government, nor is it democratic. It is the rule of the few, as everyone knows.

Furthermore, it is ridiculous to say that the remedy for machine rule is "more democracy." Machine rule is the exact opposite of democracy.

[Not in Referendum News.]

PROPORTIONAL REPRESENTATION IS NEEDED.

Not an Issue in 1908 Campaign except in Oregon.

Why is it that the farmers and wage-earners have so few representatives in the National House and why so few representatives in the legislatures?

It is because machine rule exists. Even where there are direct nominations and the initiative and referendum, the few are in power in the legislative bodies because one representative is elected from a district. The few are in control through the investment of campaign funds. The wage-earners and farmers are not contributing any considerable amount of funds. If they did, the monopolists would outdo them.

Following is proof that in Oregon the few are still in power in the legislature. The legislative committee of the State Grange at its last meeting, June, 1907, said:

"The last legislature, while it appropriated a very large amount of money, failed to provide for the taxation of any property whatever that has so far escaped its just share of tax burden, and only through the initiative will it be possible to pass just laws on taxation." (Page 59 of Proceedings.)

The remedy is proportional representation—that is, each class should be represented and in proportion to its numbers.

The system was invented when the English Parliament was established. Four interests were represented—the barons, clergy, Commons, and King. Representation by classes exists to-day in Belgium, in five of the Swiss cantons and two of its cities, in Tasmania, in Japan's House of Representatives, in Finland, and the system has been recommended by a Government commission in Holland.

The system is simple and voting is easy.

There are two main features in the best systems of proportional representation, namely, large election districts, so that 10, 15, or 20 members are elected from each, and the ballot of each voter is counted for 1 representative and no more. The voter indicates a first choice, second choice, third choice, fourth choice, etc., so that his ballot will surely help elect some candidate, or the system is such that each nominee names the ones for whom excess ballots shall be counted should they be received.

To install proportional representation in the National House a Federal statute is all that is needed. Section 3 of the act of Congress of January 16, 1901, must be altered.[a] The State legislatures will each have to carry out the details, as they at present are doing for single-member districts.

The change can readily be proposed to the voters when the advisory initiative is installed in Federal affairs and their self-interest will cause them to accept it.

As to the system that is likely to be installed, Mr. Shibley is of the opinion that it will include direct nominations rather than nominations by petition. Only by an

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[a] U. S. Statutes, vol. 2, p. 215, Edward Thompson Company edition.

election within the party can the real leaders be named and a platform agreed to. The platform can be determined by referendum voting.

Furthermore, a vote within the party as a preliminary to the contest between the parties is a necessity. To omit it would mean that the nominations by petition would represent nothing but factions, without any well-defined principles and policies, and in the campaign the contest would be between factions as well as between the conservatives and progressives. The issues in the campaign should be clear-cut, in order that they may be discussed.

To select a party's nominees there should be preferential voting.

Preferential Voting at the Primaries.

Preferential voting means that for each office for which a nomination is to be made the voter shall indicate first choice, second choice, third choice, etc. In counting the ballots those who receive only a small number of first choice ones are declared to be out of the contest and the ballots are distributed to second choice, unless he or she is also out of the contest, in which case the ballots go to third choice. Under such a system the real leaders are nominated.

After the primary election has been held there is an opportunity to nominate by petition.

Mechanism of Proportional Representation.

After the nominees have been selected and the campaign between the parties is nearly at an end the tickets for the election will be printed. The names of each party's nominees will be placed in the party column, the one at the top being the name that received the highest first-choice vote at the primary election, then the next highest, and so on down to the last, adding one more than is likely to be elected.

On election day the voters will indicate their first choice for members of the National House, second choice, third choice, etc. This they will do by merely placing a mark at the head of the party column, if they desire to vote the party ticket. Thus their first choice will be the name at the head of the column, who was nominated by the greatest number of first-choice ballots. The second choice will be the name of the one who received the next highest vote, and so on down to the last. The number elected will depend upon the size of the party's vote. All this clearly appears by noting how the vote will be canvassed. The returns will be sent to a central office in the district and each party's vote applied as follows: If the total vote for Members of the National House is 200,000 and ten are to be elected, the quota will be one-tenth, or 20,000. Each nominee who gets this vote will be elected. Therefore, if the labor party casts 80,000 votes it will elect four Members, namely, the first four in the party column. The one who stands at the head of the column will be elected by the first 20,000 votes and the second one by the next 20,000, etc. If the farmers' party casts 60,000 votes it will elect three candidates and the other parties will elect the other three. In short, each 20,000 voters in the district will elect a Representative, except as fractions of 20,000 votes are cast by the groups, in which case the group having the largest fraction will elect a Member.[a]

Issues, such as prohibition, that divide the several classes, will be settled by referendum vote.

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[a] In practice the law will prescribe that the quota shall be less than a division of the vote by the number to be elected, for the aim is to provide the smallest possible quota. Therefore, in the example given above, 1 would be added to the 200,000, and it would be divided by one more than the number to be elected, namely, 200,001 would be divided by 11, the quota being 18,181. Those who get this number of votes will be elected, and this number is the smallest that can be used. Applying it to the figures given above, the result would be:

	Votes.	Quota.	Remainder.
Farmers' party	60,000	3 times.	5,457
Labor party	80,000	4 times.	7,276
Progressive party	60,000	3 times.	5,457

Nominees placed on the ticket by petition will be voted for by placing opposite their names first choice, second choice, etc., for this purpose going also into a party column or columns if desired.[a]

Under such a system there will be little or no fusion at the polls. Fusion will take place in the House, and then only on such measures as can be agreed to. Thus majority rule will prevail in the House, and it will represent the best interests of a majority of the people. In that way the public welfare will be promoted. In short, representative government will be completely restored. Campaign funds will no longer be a determining factor in the contests between the parties, for in the large election districts it will not pay to buy votes. No small group of voters will hold the balance of power, as is usually the case in the single-member districts. Most of the farmers will vote with their fellow-farmers, for in that way their interests will best be promoted, and the wage-earners will vote with their fellow wage-earners. Issues, such as prohibition, which divide a class, will be settled by referendum voting, as heretofore. The tariff will be settled in that way, as has been the case in Switzerland.

What the people will do with the tariff and other close questions will be to choose between two competing measures or reject both. The only objectors to the establishment of proportional representation will be the unintelligent monopolists and such other citizens as do not study the proposed change.

But where the people believe they are in power the shortsighted ones are likely to wish to prevent the minority from being represented. It is extremely difficult to get a majority to forego the seeming advantage of shutting out the minority, yet oddly enough it is seldom, if ever, possible that the majority of the voters can rule through a representative assembly unless there is proportional representation. Such is the case in Oregon, as we have seen.

In Oklahoma the majority were represented in the constitutional convention of 1907 because the farmers and wage-earners questioned the candidates and pledged 70 of the 112 members.

When proportional representation is established in the National House there will soon be an end to all special privileges in interstate commerce, but the worst of them will doubtless have been ended by the use of the advisory initiative. The attention of the House will chiefly be occupied with questions concerning industrial organization, international trade, international congresses and courts, restriction of immigration, public health, educational and scientific research, and similar topics.

The termination of legal privileges (special privileges) simply means that each citizen will receive an equal share of the income from the natural resources, and full returns from his exertions. When such a system is installed even those who were the present-day monopolists will realize that they have been benefited, for the social surroundings will be of a higher order. There will be an absence of the now-existing degradation and squalor which haunts us all. This change to a higher level can come about only through the restoration of equal rights before the law. For the more intelligent people to ask for legal privileges is disgraceful.

That equal rights before the law will actually benefit the former monopolists is borne out by Switzerland's experience. Equal political rights has resulted in equal rights in other respects, and it has been a success. In the words of Prof. Frank Parsons:

"I was recently in Switzerland for several weeks, visiting nearly all the most important cities and talking with men of every class—heads of government departments, presidents of cities, college professors, hotel proprietors, secretaries of chambers of commerce, lawyers, doctors, editors, business men, and working men of every description—and I do not find one man who wishes to go back to the old plan of final legislation by elected delegates without chance of appeal to the people."

The improvements in the Swiss Government have benefited all the citizens, just as have the discoveries in electricity. All the people are experiencing a higher and higher civilization. In the words of Prof. Jesse Macy, who visited the country in 1896:

"We can not be too prompt in reaching the understanding that what we now recognize as democracy is something absolutely new on the face of the earth." (*American Journal of Sociology, July, 1896, 34.*)

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[a] The principal question that is likely to be raised concerning the foregoing is, Why can not the members of a party use numerals to indicate their first choice, etc.? Because the contest within the party was decided at the primary election. To still hold it open would be equivalent to ordering another primary election. It would keep up strife between the nominees within the party, whereas the group should unitedly work for its principles.

It is the first time that a free people have existed in modern times. Nearly a century ago a high degree of self-government existed in the United States (see pages 4–5, above).

For further details, consult "Representation of interests," by Prof. John R. Commons, in the New York Independent, June, 1900, and articles by Robert Tyson, esq., in the Arena, autumn of 1903, and February, September, and October, 1904.

[Continuation of Referendum News, September, 1906.]

Chapter 68.—EVOLUTION OF SYSTEMS FOR INSTRUCTING REPRESENTATIVES.

The people's right to elect Representatives gives them the power to exact pledges, for they can vote only for those who will pledge.

One of the pledges from would-be Representatives can be a promise to obey instructions. At the commencement of representative government in this country the voters realized their power and all candidates acknowledged the voter's right to instruct. (See page 5.) By the middle of the last century 17 State constitutions expressly declared that the legislatures should not interfere with the voters' right to assemble to instruct Representatives; and in all the other States the right existed and was recognized by everyone. With the death of the Federalist party in national affairs in 1817, every one in political life admitted the doctrine of the majority rule—the people's rule.

At the very beginning of the nation's life under the Constitution the Presidential electors were instructed for whom they should vote. Thus the people took to themselves the selection of President and Vice-President.

With the rise of the convention system, 1820 to 1830, all the candidates for public office were instructed as to the leading issues. Party platforms were enunciated and the candidates pledged that if they should receive a majority of the votes they would consider the platform an instruction, which they would faithfully heed. Thus a splendid system for instructing Representatives was developed. It was superior to the system of instructing at mass meetings and town meetings because it enabled the voters of an entire State and of the entire nation to cooperate.

But the convention system was debased to machine rule. The voters were unable to control the framing of the platform.

In recent years new methods for instructing Representatives have been developed. United States Senators are selected by direct vote of the people, their choice being an instruction to the members of the legislature. And the advisory initiative and the advisory referendum have been devised. All the nominees for Congress in this year's campaign have been questioned and their replies are being published. In this district (supposing the speaker to be addressing the voters of a community) the situation is as follows: (State it.)

Appendix V.

Why the South Needs the Restoration of Majority Rule for National Issues.

The South, with its considerable proportion of negroes, especially needs the restoration of majority rule for national issues, because it will result in home rule for State issues, including control of the right to vote. The rule of the few resulted in a reconstruction which placed the negro in power in some of the southern States, and now some of the northern politicians are proposing to reduce the southern representation in order to continue in power. This can be defeated by restoring a direct-vote system for national issues, and probably it is the only way to defeat it.

A cardinal principle wherever the people rule is to provide home rule for themselves and to the greatest possible extent. Self-interest impels them to do this; whereas under the rule of the few the aim is to centralize the power in the National Government, because in this way they can most readily handle it. These claims are proved by our country's history. An illustration of how the people's rule has resulted in home rule is the recent amendment to the Oregon constitution providing that the legislature shall not interfere with municipal home rule. Each municipality is empowered to frame its own charter except that it shall not conflict with the State or Federal constitutions or the criminal laws.

Furthermore, history demonstrates that the civil war was caused by the loss of majority rule and the failure to observe home rule. Machine rule had prevailed in

national and State affairs since 1844, and during the fifties the southern leaders attempted to extend the slave territory and to force the northern people to capture fugitive slaves. This is unquestionably so. But as long as the people were in power, that is, until 1844, the Missouri compromise was lived up to. It was only when the few came into power that trouble arose. In our own day the rule of the few is causing trouble. If suffered to continue the South will feel it the most because the ruling few are in the North. The remedy is to restore majority rule.

Taking up the negro problem in detail, we find that in certain Middle States the negro vote, under machine rule, is a balance of power and is purchasable, which is causing various statesmen to advocate the repeal of the fifteenth amendment. But the remedy that is appealing more strongly to the American people is to abolish the rule of the few—restore their own freedom. That will not only take from the negroes the balance of power, but will also restore self-government to the white men. It will put an end to trust domination and the other evils that have sprung up under the rule of the few.

It follows that the people of the Middle States are vitally interested in maintaining home rule on the race question, while the people of the Northern States will certainly not interfere in State affairs in the South, realizing that their own liberties depend upon the preservation of self-government for State issues.

The foregoing ideas concerning the need for a restoration of majority rule for national measures are widely held. For example, Hon. R. N. Hackett, of North Carolina, Democrat, elected to Congress in place of Representative Blackburn, who refused in the last campaign to pledge for the people's rule, wrote:

"I am unqualifiedly in favor of majority rule in this country, 'unawed by power and unbribed by gain,' by whatever honest and fair means it can be obtained."

And such was the attitude of at least 29 of the 107 Members of the National House in the Southern States, and their statements were given at a time when they were as good as elected.

And the Farmers' State Union in Texas and in Arkansas joined with the State Federation of Labor in making the initiative and referendum the paramount issue. All candidates and nominees are to be questioned and their attitude will be reported to the voters. In a short time the sentiment for self-government throughout the South will be every whit as strong as in the West and North.

After reading, please loan to a friend.

[S. 7208, Sixtieth Congress, first session.]

IN THE SENATE OF THE UNITED STATES.

MAY 22, 1908.

Mr. OWEN introduced the following bill; which was read twice and referred to the Committee on Privileges and Elections.

A BILL Providing for a modern system whereby the voters of the United States may instruct their National Representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ADVISORY INITIATIVE.

That whenever six hundred and fifty thousand voters shall present to the Secretary of State a petition that there be submitted to a direct vote of the voters of the country a bill, constitutional amendment, or other form of question as to national policy, the petition shall be received, and copies of the same, except the names and addresses, shall promptly be transmitted to the Senate and House: *Provided, however,* That not more than eighteen months shall have elapsed from the time the petition was opened for signatures.

SEC. 2. [PROCEDURE.] That in case the Senate, House, and President do not approve the measure within three months from the time Congress is in session, the Secretary of State shall submit it to an advisory vote of the voters of the United States as provided in section five. He shall submit, also, a competing measure if requested by the Senate and House. The voters may indicate a second choice.

SEC. 3. [RESUBMISSION.] That where there are competing measures and neither receives a majority of the Congressional districts and a majority of the States, the one receiving the greatest number of individual votes shall, if it has received more than one-third of the votes cast for and against both bills, be resubmitted by itself at the next general election.

SEC. 4. [ADVISORY REFERENDUM.] That whenever four hundred thousand voters shall present to the Secretary of State a petition that a law of Congress or a measure passed by either House, or a portion of a law of Congress or a portion of a measure passed by either House, shall be referred to a direct vote of the voters, the petition shall be received and the request granted: *Provided, however,* That not more than eighteen months shall have elapsed from the time the petition was opened for signatures.

SEC. 5. [REFERENDUM CAMPAIGN.] That the balloting by the voters on questions proposed by initiative petition shall be at the next general election following the return of the questions from the Senate and House, provided there is at least ninety days between the date of the President's proclamation hereinafter provided for in section eleven and the date of balloting by the voters. In case there is less time the voting shall be not later than the succeeding year. Where practicable the balloting shall take place at the autumn election. The voting on issues presented by referendum petition shall be not later than the following general election, provided said election is not earlier than sixty days after the filing of the petition.

SEC. 6. [SPECIAL ELECTIONS.] That whenever one million voters shall join in an initiative or referendum petition and shall request that a special election be held, their request shall be granted. They may specify ten days from which the Secretary of State shall select the day of election.

SEC. 7. [REFERENDUM PETITION.] That the referendum petition shall be substantially as follows:

"To the honorable SECRETARY OF STATE:

"We, the undersigned citizens and legal voters in the several States, respectfully order that the question herewith presented shall be referred to the legal voters in the several States that they may instruct their National Representatives, and that the vote be taken at the earliest practicable date (or at a special election some day between June first to twelfth, nineteen hundred and nine—for example), but there shall be at least sixty days between the time of filing the petition and the referendum vote, and each for himself says: I am a legal voter of the State of ———, and have personally signed this petition, and my residence address and post-office address are correctly written after my name.

"The time for filing this petition expires eighteen months from (insert date when petition is to be opened for signatures).

"The question we herewith submit to our fellow-voters is, Shall Congress repeal the following law (or, Shall Congress enact the following bill? or, Shall Congress submit to the several States the following amendment to the National Constitution)?"

(Insert here the exact title and text of the measure.)

Names of petitioners.	Residence (if in city, street and number).	Post-office.

SEC. 8. [INITIATIVE PETITION.] That the form of initiative petition shall be substantially as follows:

"To the HONORABLE SECRETARY OF STATE:

"We, the undersigned citizens and legal voters in the several States, respectfully order that the measure herewith presented shall be submitted to Congress, and if not adopted and signed by the President that it be submitted to the legal voters in the several States that they may instruct their National Representatives, the vote to be taken at the next general election (or special election) after Congress shall have finished its consideration of the measure, but there shall be at least ninety days between the date of submission and the referendum vote, and each for himself says: I am a legal voter of the State of ———, and have personally signed this petition, and my residence address and post-office address are correctly written after my name.

"The time for filing this petition will expire eighteen months from (insert date when petition is to be opened for signatures). (If a special election is asked for, specify here the ten days from which the Secretary of State shall select the date of the election.)

"The question we herewith submit to our fellow-voters is, Shall the following measure be enacted into law? (or, Shall Congress submit to the several States the following amendment to the National Constitution?)"

(Insert here an exact copy of the title and text of the measure.)

Names.	Residence (if in city, street and number).	Post-office.

SEC. 9. [PAMPHLETS.] That each initiative petition and each referendum petition shall be duplicated for the securing of signatures, and each sheet for signatures shall be attached to a copy of the petition. Each copy of the petition and sheets for signatures is hereinafter termed a pamphlet. On the outer page of each pamphlet shall be printed the word "Warning," and underneath this, in ten-point type, the words, "It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for a measure, or to sign such petition when he is not a legal voter." The petition shall be seven inches in width by ten inches in length, with a margin of one and three-fourths inches at the top for binding. Not more than twenty signatures on one sheet shall be counted. Petitions shall be filed with the Secretary of State and each pamphlet shall be numbered. The Secretary of State, or his deputy, in the presence of the person presenting the petition shall detach the sheets containing the signatures and affidavits and cause them all to be bound in volumes, a single printed copy of the petition and measure in each volume. The detached copies shall be preserved in the office of the Secretary of State for one year. If the question receives an affirmative vote in a majority of the Congressional districts and in a majority of the States, a statement to that effect shall be added to the pages and all shall be bound in volumes of convenient size and they shall be permanently kept.

SEC. 10. [VERIFICATION OF SIGNATURES.] That each and every sheet of initiative petition and referendum petition, containing signatures, shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon and as a part thereof:

"STATE OF ———, *county of* ——— *ss:*

"I, ——— ———, being first duly sworn, say: (here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, post-office address, and residence correctly, and that each signer is a legal voter of the State of ———, and county of ——— (or, of the city of ———, as the case may be).

(Signature and post-office address of affiant.)

"Subscribed and sworn before me this ——— day of ———, anno Domini nineteen hundred and ."

(Signature and title of officer before whom oath is made, and his post-office address.)

SEC. 11. [FILING AND NUMBERING OF PETITIONS.] That each order for a direct ballot by the voters that is filed with the Secretary of State by initiative petition, referendum petition, and by Congress shall be numbered consecutively, each in a series by itself, beginning with one, to be continued year after year, without duplication of numbers.

SEC. 12. [SUFFICIENCY OF PETITION—RIGHT OF APPEAL TO SUPREME COURT—SPEEDY TRIAL ASSURED.] That whenever an initiative petition or referendum petition shall be filed with the Secretary of State he shall at once notify in writing a circuit judge in the district in which the city of Washington is situated, and said judge shall proceed at once to examine into its sufficiency. If anyone desires to appear for or against it he shall receive testimony and arguments. His decision may be appealed from to the Supreme Court of the United States, and the case shall have precedence over all others. If the court is adjourned it shall be immediately convened. The appellants shall serve upon the Secretary of State written notice of appeal, and said Secretary shall thereupon transmit to the clerk of the Supreme Court such of the original papers and documents in the case as may be specified by the appellant or appellee. In case the circuit judge or the Supreme Court shall decide the petition is insufficient be or it shall state in what respect it is insufficient and return the petition to the committee of the petitioners for correction, which corrections may be made and the petition returned to the Secretary of State within five days, and when so corrected and returned the petition shall be considered filed as of the date that the original petition was presented for filing. No objection to the sufficiency of any petition shall be considered unless the same shall have been made in writing and filed within five days after the filing of the petition.

SEC. 13. [TITLE OF MEASURE.] That for each measure to be submitted to the people as the result of petition the circuit judge shall provide and return to the Secretary of State a ballot title. In constructing it he shall, to the best of his ability, give a true and impartial statement of the purpose of the measure, and in such language that the ballot title shall not be intentionally an argument or likely to create prejudice either for or against the measure. The ballot title shall not resemble, so far as to probably create confusion, any title previously framed to be submitted at the same election. Any person who is dissatisfied with a ballot title may appeal

from the decision to the Supreme Court, and the case shall have precedence over all others. The appeal shall be by petition, praying for a different title and setting forth the reasons why the title prepared by the circuit judge is insufficient or unfair. No appeal shall be allowed from the decision of the circuit judge on a ballot title unless the same is taken within ten days after his decision is filed. A copy of every such decision shall be served by the Secretary of State or the clerk of the court upon the person offering or filing such initiative or referendum petition or appeal. Service of such decision may be by mail or telegraph and shall be made forthwith. Said Supreme Court shall examine said measure, hear arguments, and its decision thereon shall be in accord with the intent of this section. The decision shall be certified to the Secretary of State, who shall certify the same to the Public Printer.

SEC. 14. [PROCLAMATION BY PRESIDENT.] That whenever a petition is accepted and its title has been decided upon the Secretary of State shall, in writing, notify the President of the United States, who forthwith shall issue a proclamation setting forth the substance of the measure and the date of the referendum vote.

SEC. 15. [PUBLICATION OF TEXT OF MEASURES—COPIES FOR DISTRIBUTION—FRANKING PRIVILEGE.] That the Secretary of State shall submit to the Public Printer a copy of the title and text of each measure presented by initiative petition, referendum petition, and by Congress. Printed copies shall be supplied the folding rooms from time to time, and the chief of each shall supply copies to applicants and in such quantities as demanded, provided reasonable assurance is given that they will be placed singly in the hands of the people. All bills or copies of bills, arguments, ballots, sample ballots, lists, returns, and all other official matter necessary to carry into effect the provisions of this law shall receive the franking privilege in the United States post-office.

SEC. 16. [PUBLICATION OF OFFICIAL REFERENDUM BALLOT—DISTRIBUTION OF COPIES.] That at as early a day as is practicable the Secretary of State shall transmit to the Public Printer manuscript copy for the official referendum ballot, indicating the styles of type. Sample ballots shall be on colored paper, and there shall be placed at the head in bold type the words "National question (or questions)," and the following: "Official referendum ballot to be used (date). Issued by order of the Congress of the United States." The questions shall be printed in the order they were filed with the Secretary of State, except that each competing measure shall immediately follow the one it aims to supplant. Measures proposed by initiative petition shall be designated "Proposed by initiative petition numbered ———;" measures proposed by referendum petition shall be designated "Proposed by referendum petition numbered ———;" and each competing measure proposed by Congress in place of an initiative petition shall be headed "Proposed by Congress in place of initiative petition numbered ———." Where there are competing questions, a brief catch line shall be placed over each set and at the bottom of both questions the words "I vote for initiative petition numbered ———," "I vote for the measure proposed by Congress in place of initiative petition numbered ———," "I vote against both." Where a question is submitted without a competing one, there shall be placed over it a brief catch line and at the close of the question there shall be added:

"Shall it be adopted? Yes. No."

"Shall it be repealed? Yes. No."

The voters shall be directed to express their will by placing a cross (X) in the square and to the right of the word expressing their choice. There shall be a provision for second choice. Following is an illustration:

(Sample ballot.)

NATIONAL QUESTIONS.

OFFICIAL REFERENDUM BALLOT TO BE USED (DATE).

Issued by order of the Congress of the United States.

(To county clerk: In printing the ballots insert here the names of State, county, township, or ward and precinct.)

To indicate your choice place a cross (X) in the square and to the right of the word expressing your choice. If you have second choice indicate it by "second choice" or its equivalent.

CONCERNING INTERSTATE RAILWAYS.

Proposed by initiative petition numbered ———.

For regulation of interstate railway rates by the Interstate Commerce Commission, the object of which shall be to provide sufficient net earnings for dividends to keep

the market price of the capital stock practically at par; said capital stock to be limited to the reasonable value of the physical plant; with further protection of public interests by prescribing civil-service regulations and clothing the Interstate Commerce Commission with general supervisory powers equal to those now exercised in railway receiverships by Federal courts. Two years after the amount of the capital stock in a corporation is ascertained, the Government shall purchase it and issue bonds against the roads.

Proposed by Congress in place of initiative petition numbered ———.

_____

_____

_____

I vote for initiative petition numbered ———.

I vote for the measure proposed by Congress in place of initiative petition numbered ———.

I vote against both.

Attested copies of the printed ballot shall be forwarded by the National Secretary of State to the secretary of state for each Commonwealth, inclosing a copy of each county clerk. And the National Secretary of State shall supply printed copies to applicants and in such quantities as may be wanted, provided reasonable assurance is given that single copies will be placed in the hands of the voters.

SEC. 17. [PREPARATION OF ARGUMENTS.] That arguments shall be prepared for and against each measure to be submitted to a direct vote of the people, the length of the arguments not to exceed two thousand words for each side, of which one-fourth may be in answer to opponents' arguments. For one side the arguments shall be prepared by a joint committee of the House and Senate, and for the other by a committee representing the petitioners.

SEC. 18. [TIME FOR PREPARING ARGUMENTS.] That the first part of each argument shall be completed not later than two weeks after the President's announcement of the submission of the measure. Twenty-five copies shall be filed with the Secretary of State, who shall at once deliver twenty-three copies to the chairman of the opposing committee. Each committee shall file its answer within two weeks: *Provided, however,* That in no case shall the time be so great as to bring the completion of the arguments nearer than forty-five days from the time of voting, where the question is presented by referendum petition, and eighty days for an initiative petition. Where the time for preparing the arguments is less than four weeks the time shall be divided equally between the two parts.

SEC. 19. [PRINTING AND DISTRIBUTION OF TEXT OF MEASURES, SAMPLE BALLOTS, AND ARGUMENTS.] That to each voter in the United States whose address is on file with the Secretary of State there shall be mailed a copy of the text of each measure to be submitted to popular vote, also a copy of the arguments for and against, and a copy of the official ballot. Unofficial lists of voters may be filed with the Secretary of State, and they shall be used if there is no official list. Unofficial lists shall be filed by voting precincts, and the names shall be in alphabetical order.

(This plan is practicable and it is the only way whereby the truth can reach the voters. Furthermore, it is the least expensive method, the cost not exceeding 3 cents for 9 questions, and each voter will pay his share of the cost, for it will be at Government expense. Compare this with President Roosevelt's plan for a Government subsidy for the "machines" of the two great parties.)

MACHINERY FOR TAKING THE REFERENDUM VOTE.

See accompanying joint resolution (S. R. 94).

SEC. 20. [CANVASS OF REFERENDUM VOTE—PUBLICATION OF RESULT.] That announcements of the result of the people's vote on national questions shall be filed with the Secretary of State. Thirty days after a referendum vote has been taken, and sooner if the returns be all received, the returns shall be canvassed by a circuit judge of the district in which the city of Washington is situated. Notice to the judge shall be issued by the Secretary of State. The canvass shall be conducted in the presence of a committee of the petitioners and of the opposition, who shall have been previously notified. The result of the canvass shall be placed in writing and filed in the office of the Secretary of State, and the public shall have access thereto. Immediately upon the assembling of the House and Senate the Secretary of State shall file copies of the returns with the clerks of the House and Senate.

SEC. 21. [SUFFICIENCY OF PROCEDURE.] That the procedure herein prescribed is not mandatory, but if substantially followed will be sufficient. If the end aimed at can be attained and procedure shall be sustained clerical and mere technical errors shall be disregarded.

[S. R. 94, Sixtieth Congress, first session.]

IN THE SENATE OF THE UNITED STATES.

MAY, 22, 1908.

Mr. OWEN introduced the following joint resolution; which was read twice and referred to the Committee on Privileges and Elections.

JOINT RESOLUTION Inviting the cooperation of the States in the establishment of a national initiative and referendum.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the cooperation of the States is desired in helping to restore a direct-vote system for national questions through the initiative and referendum principle, the ballots and other details at the polls to be provided for by them. To that end it is recommended that each legislature shall enact a law providing—

REFERENDUM BALLOTS.—That at the time the secretary of state furnishes to the county clerks in the several counties certified copies of the names of the candidates for State and district officers he shall furnish to each of said clerks a certified copy of the national referendum ballot, showing the questions to be voted upon at the ensuing general election, and shall instruct the county clerks to print copies and distribute to the precinct election officials, the number of ballots to equal that of each of the other ballots.

That whenever Congress shall order a referendum vote at a time other than the general election the secretary of state of each of the several States shall transmit to the county clerks a certified copy of the national referendum ballot, and shall instruct them to print copies and distribute them to the precinct election officials, the number to be printed to be that of the State ballot in the preceding general election.

CANVASS AND RETURN OF REFERENDUM BALLOTS.—That the ballots on public questions shall be counted, canvassed, and returned by the regular board of judges, clerks, and officers as votes for candidates are counted, canvassed, and returned, and the abstract made by the several county clerks of votes on national measures shall be returned to the secretary of state for the Commonwealth on abstract sheets in the manner in which ballots on amendments to State constitutions are returned.

WHO MAY SIGN PETITIONS AND VOTE ON REFERENDUM QUESTIONS—PENALTIES.—That the qualifications for voting on national questions and for signing national initiative petitions and referendum petitions shall be the same as for voting for a Member of the House of Representatives. The following penalties for the protection of the direct-vote system are recommended: Any person signing any name other than his own to an initiative petition or referendum petition, or who is not at the time of signing the same a legal voter of the State, or any person who shall unlawfully cast a referendum ballot, or whoever falsely makes or willfully destroys a petition or any part thereof, or who signs or files any certificate or petition knowing the same or any part thereof to be falsely made, or suppresses any certificate or petition or any part thereof which has been duly filed, or who shall violate any provision of this statute, or who shall aid or abet any other person in doing any of the acts above mentioned, or whoever bribes or gives or pays any money or thing of value to any person, directly or indirectly, to induce him to sign a petition, or any officer or any person violating any provision of this statute, shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars or by imprisonment in the penitentiary not exceeding two years, or by both such fine and imprisonment, in the discretion of the court before which such conviction shall be had.

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60TH CONGRESS, 1st Session. } SENATE. { DOCUMENT No. 529.

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SUPPLEMENTAL MEMORIAL OF INITIATIVE AND REFERENDUM LEAGUE OF AMERICA RELATIVE TO NATIONAL INITIATIVE AND REFERENDUM.

Mr. OWEN presented the following

MEMORIAL OF INITIATIVE AND REFERENDUM LEAGUE OF AMERICA, CONCERNING INITIATIVE AND REFERENDUM.

MAY 29, 1908.—Ordered to be printed.

MEMORIAL TO CONGRESS CONCERNING A NATIONAL SYSTEM OF ADVISORY INITIATIVE AND ADVISORY REFERENDUM.

To the Senate and House of Representatives in Congress assembled:

Supplemental to our memorial presented to your honorable body May 25, we desire to state the programme of the nonpartisan forces, including organized farmers and organized labor. It is to restore the people's rule as the result of this year's campaign. The required Federal statute and State statutes for the national system are to be secured through the combined action of the nonpartisan organizations and the progressive nominees. The plan is to systematically question the nominees of both the great parties, asking them in substance, "If elected, will you vote to restore the people's rule?" This will raise an issue which the people will understand and vote for.

It was thus that most of the 114 members of the National House were pledged in 1906. The questions were presented by the National Federation for People's Rule, with the indorsement of the American Federation of Labor, representing 2,000,000 voters. This year the questions will also be indorsed by some of the farmers' organizations, while the National Federation for People's Rule is merged into the Initiative and Referendum League of America, with State branches. In each State the nominees for the legislature and governorship will be questioned by the president of the State branch, and the national nominees will be questioned by the national office. A report will be issued to each district. Evasion by any of the nominees will be impossible.

The plan includes the securing of a majority vote in the Senate as the result of this year's campaign. Nominees for the legislature are to be questioned: "If the voters of your district will elect you to office will you promise: (1) To vote only for such candidates for the United States Senate as are pledged to the people's rule programme? (2) To vote to so instruct the hold-over Senators? (3) To vote to

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enact a statute authorizing the people to secure a special election to instruct their United States Senator should he refuse to obey the legislature's instructions? (4) To vote to enact a State law that shall provide election machinery for taking a referendum vote on national questions whenever Congress shall so order?"

The nominees for the governorship are to be questioned: "If elected, will you sign the foregoing bills if the legislature shall pass them?"

ONLY PATHWAY TO REASONABLY PROMPT RELIEF.

This programme is the only pathway to reasonably prompt relief unless there is a widespread use of instructions at town meetings and mass meetings. Only by instructing the hold-over Senators can there be secured in the Senate the required majority vote for the protection of the people's interests.

As quickly as the advisory initiative is installed it can be used to secure legislative reforms and constitutional amendments, including one for the initiative and referendum. The measures proposed through the advisory initiative can be voted upon November, 1910, and instructions then given to Congress will be carried out during the session which begins the next month.

In this way the following measures can be enacted:

A law providing that the physical plants of interstate railways and the interstate telegraph and telephone lines shall be valued, and that the rates charged shall be such as will provide sufficient net earnings for dividends that will keep the market price of the capital stock practically at par, the capital stock to be limited to the official valuation of the physical plant less the outstanding indebtedness.

A law authorizing producers to combine, subject to such regulations as the people may choose to impose.

A law providing for equal rights between would-be purchasers from monopoly organizations.

A law regulating the issuance of injunctions.

A law conferring home rule in the several States for the control of the liquor traffic.

A joint resolution submitting a constitutional amendment for Federal regulation of monopolies of raw material, such as coal beds, iron deposits, salt deposits, etc.

A joint resolution for a constitutional amendment for direct election of United States Senators by the people, and another for the initiative and referendum for national questions.

A law requiring that delegates to national conventions shall be elected by direct ballot of the people.

A law that the States shall select their national representatives by proportional representation, so that each interest shall be represented in proportion to its number of voters.

In short, the people can directly provide such laws and constitutional amendments as will protect themselves, and, at the same time, restore a truly representative government, after which their interests will be cared for by their Government. In the meantime the monopolies within the country will have been controlled and thus the time will have arrived for revising the tariff.

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RESTORATION OF THE PEOPLE'S RULE THE PARAMOUNT ISSUE.

The programme to restore the people's rule has actually become the paramount issue before the nominees have been questioned. This is evidenced by the Nebraska Democratic platform.[a] Two years ago the nonpartisan forces, which in this matter we represent, raised the issue by questioning candidates, and subsequent events, including the people's rule programme of the various nonpartisan organizations, have resulted in the existing situation. The overshadowing issue is, restore the people's rule and vigorously use it!

WILL THE REPUBLICAN LEADERS OPENLY OPPOSE THE RESTORATION OF THE PEOPLE'S RULE?

This great issue will not be contested unless the leaders of the party in power are as autocratic as were the leaders of the Federalists and the Whigs. But as both of these parties were swept out of power and then out of existence because their leaders were opposed to the people's rule, it may be that history will repeat itself. If so, then the reorganization of parties will be along the lines which proportional representation shall develop.

But if this year's Republican national convention refuses to declare for the people's rule it will not be the party's death-knell unless the programme is specifically condemned, for the nominees when questioned can favor the movement. For example, in Montana in 1902 the State conventions of both the Democratic and Republican parties refused to promise that their nominees, if elected, would submit a constitutional amendment for the initiative and referendum, but the questioning of nominees and subsequent work upon the legislature resulted in a practically unanimous vote in the house and almost a two-thirds vote in the senate. But in Missouri in 1902 the Democratic State convention declared for the initiative and referendum and easily won the election.

WILL NOMINEES OPPOSE THE PEOPLE'S RULE?

To realize what it will mean for nominees to oppose the restoration of the people's rule we should bear in mind that they will be asking the people for their votes and that on election day these people will

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[a] Nebraska Democratic platform, 1908:

"We rejoice at the increasing signs of an awakening in the United States. The various investigations have traced graft and political corruption to the representatives of predatory wealth and laid bare the unscrupulous methods by which they have debauched elections and preyed upon a defenseless public through the subservient officials whom they have raised to place and power.

"The conscience of the nation is now aroused and will, if honestly appealed to, free the Government from the grip of those who have made it a business asset of the favor-seeking corporations; it must become again 'a Government of the people, by the people, and for the people;' and be administered in all its departments according to the Jeffersonian maxim, 'equal rights to all and special privileges to none.'

"This is the overshadowing issue at this time. It manifests itself in all the questions now under discussion and demands immediate consideration."

Henry Watterson says:

"The one great issue is the Republic versus the Plutocracy." (Louisville Courier-Journal, quoted in Washington Herald, May 29, 1908.)

be the ruling power. They can scratch the nominees who refuse to promise to vote for their freedom. That the people understand the issue is evidenced by their votes wherever the initiative and referendum has been proposed. For instance, in Montana the favorable vote was 6 to 1; in Delaware, 8 to 1; and in Oregon, 11 to 1. Public officials realize this tendency of the voters and therefore in Maine the last legislature voted unanimously to submit a constitutional amendment for the initiative and referendum. No legislator dared vote against it. He knew that to do so would mean his political death. In Delaware, too, the last legislature voted unanimously to install the initiative and referendum in the city of Wilmington—the largest city in the State. And in Pennsylvania on the question of establishing the initiative and referendum in cities and boroughs the last house voted unanimously.

In Ohio, however, in the last State campaign, 1905, most of the Republican nominees refused to pledge, while practically all of the Democrats did. A report was issued to each district and published in the newspapers. On election day when the voters went to the polls they used their pencils—enough Republican ballots were scratched to cause a landslide. The Democratic representation in the senate was increased from 4 to 19—a 475 per cent increase. An unprecedented gain. In the house the Democratic gain was nearly as great. This, combined with the pledging of some of the Republicans resulted in a pledged two-thirds vote. The senate submitted a constitutional amendment, but it was badly "doctored." The legislature was to hold over and the vote in the house was not pressed. Rev. Herbert S. Bigelow and others went in to arouse the people and get them to demand their liberties. The senate reframed its resolution, making it first class and passed it. Then the house filled it with objectionable provisions and passed it, the vote being 100 to 16. The speaker of the house took to himself the autocratic power of picking as conferees some of the men who had voted against the measure. Of course the two houses were unable to reach an agreement. In this way the Republican leaders in Ohio brought about a condition that probably will result in their political destruction, as was the case with the leaders of the Federalists and Whigs. In the Ohio State senate enough of the Democrats joined with the Republicans to kill the bill for the initiative and referendum in cities. These Democratic apostates will undoubtedly be retired to private life. The people are aroused and they understand the issue. For example, in Missouri, in 1904, the members of the legislature who had opposed the initiative and referendum at the preceding session were kept at home. Some of them failed to get a renomination and others who did were defeated in the election. The voters were the ruling power.

Oklahoma as well as Ohio is a modern-day example of Federalist leadership. In the campaign for the election of delegates to the Oklahoma constitutional convention the Democrats put forth as the paramount issue the incorporation of the initiative and referendum in the State government. It was opposed by most of the Republican nominees, and on election day, though the party was in full control of all the offices and was backed by the Roosevelt Administration, it

was completely routed. Of the 112 delegates elected only 14 were Republicans, part of whom pulled through because they had declared for the initiative and referendum.

This year, 1908, the people know more about the people's rule than they did in Oklahoma in 1906, in Ohio in 1905, and in Missouri in 1904. Recent investigations and disclosures have exposed the machine-rule system, and at the same time the beneficent results of the people's rule are better known. In short, the people are thoroughly aroused, are fairly well posted, and it follows that nothing can keep them from voting for themselves.

Five additional appendixes are herewith presented, in which are the opinions of eminent statesmen, further answers to objections, a brief for debate, followed by summary and conclusion.

Respectfully submitted.

INITIATIVE AND REFERENDUM LEAGUE OF AMERICA,
By GEO. H. SHIBLEY, *President.*
ROBT. L. OWEN, *Chairman National Committee.*

WASHINGTON, D. C., *May 29, 1908.*

APPENDIX VI.

[I to V are in the first memorial, S. Doc. —, Sixtieth Congress, first session.]

ADDITIONAL TESTIMONY BY EMINENT STATESMEN.

At Boston's cradle of liberty, Faneuil Hall, April, 1907, President Eliot, of Harvard University, in an address advocating the enactment of a statute by the Massachusetts legislature for the advisory initiative, so that the people can instruct their representatives, said:

"Now, what has been the crying evil in American politics in the past forty years? It has been secret influence. That is the great crying evil concerning legislative and administrative bodies.

"These things are perfectly well known. Every intelligent American citizen knows how these private secret influences are brought to bear on American legislators. They tell us that the present bill degrades Senators and Representatives, because it looks forward to the expression of thousands and perhaps millions of voters giving voice at the general election to their views on public matters. Is that the way in which American legislators are degraded these days?

"No. They never are, and never have been. Where American legislators are degraded in these days is by submission to machines.

"There is an excellent definition of true conservatism, the best I have ever been able to find, in the epistles of St. Paul. This definition is: 'Prove all things; hold fast to that which is good.' That is just it—hold fast to things that are good; but to hold fast to the machines, as to old junk, to hold fast to the obsolete methods of government, is not true conservatism.

"And now, fellow-citizens, we hear a great and familiar cry. 'This is a revolutionary measure, this is a radical measure, this is a socialistic, an anarchistic measure. Let the conservative people of the Commonwealth beware!'

"Has America been revolutionary in times past? Is not a democracy the most conservative government in the world?

"Which is the most conservative, Russia or the United States? Which is the most socialistic, anarchistic, Russia or the United States?"

Prof. Charles Zueblin, late of the University of Chicago, in an address at Boston, during May, 1907, advocated the initiative and referendum for national affairs. At Chicago, May 25, he amplified his statement by saying that his views were shared by President Eliot, of Harvard, and President James, of Illinois State University. "What we need," said Professor Zueblin, "is a new constitution that will give us a

national initiative and referendum, and place the government of the country once more in the hands of the people, where the fathers meant it to be. The present Constitution was framed for several centuries ago and it filled exactly the needs of that day.

"It is totally inadequate to meet the increased necessities of a country that has grown to many hundred times the size of the colonies of those days."

Professor Zueblin pointed out that under the present system it is possible for the will of the people to be defeated through the following agencies and causes:

Lack of sympathy of United States Senators with the common people.

Election of representatives to please parties rather than to represent the people.

Czarlike power of the Speaker to prevent the House from taking popular action should it so desire.

Power of the Executive through the veto to defeat both House and Senate.

Power of Supreme Court to set aside any law it chooses as not being in accord with the old-time Constitution.

"The cities of Galveston and Des Moines have ideal city governments," said the professor, "and it is high time that the Government of the nation, which is of infinitely larger importance, should be brought up-to-date in a similar manner."

(Chicago Examiner, May 25, 1908.)

Miss Frances E. Willard, president-founder of the Woman's Christian Temperance Union, wrote the following to Prof. Frank Parsons, July, 1897:

"I believe in direct legislation, and think it is so greatly needed that language can not express the dire necessity under which we find ourselves. The reign of the people is the one thing my soul desires to see; the reign of the politician is a public ignominy. I also believe that direct legislation is certain to become the great political issue in the immediate future. The people are being educated by events. They are coming to see that there is no hope for reform under the existing system of voting."

The prophecy of that great leader has come true.

During the present year Governor John Burke, of North Dakota, wrote:

"I am satisfied that the initiative and referendum is a practical system, and there ought to be no objection to it in a country that boasts of being a government of the people.

"The initiative and referendum simply puts the power of legislating in the hands of the people, where it belongs, in a government of the people.

"It is a great reserve power that the people will seldom have to use.

"The members of the legislature will support legislation in favor of the interests of the people, because they will know that if they should fail, then the people can have the law which they desire submitted to them directly at the polls, and for this reason the legislative assembly will be disposed to comply with the demands of the people.

"The legislature will be careful about passing laws against the interests of the people, because its members will know that if they do the people can have such law submitted to them directly at the polls and there reject it.

"It ought to free our legislative halls of the lobbyists, because it will be useless for the corporations and special interests to keep their lobbyists in the capitol during the session, knowing of this great reserve power in the hands of the people by which they can undo all that the legislature, the lobbyist, and corporation have done."

Hon. John A. Johnson, Democratic governor of Minnesota, in his inaugural message to the legislature, said:

"I would call your attention to the merits of the advisory initiative and referendum. This permits the people of a State, county, city, village, or town to express their views upon questions affecting their organizations and is fast gaining ground upon the theory that the duly elected officers are the servants of the people who elected them and will be guided by the expressed views of a majority.

"The advisory initiative and referendum is but a step further than the right of petition, and is not binding upon their officers. The enactment of a law providing for an advisory initiative and referendum can be accomplished without a constitutional amendment, and I am firmly of the opinion that such legislation is desirable. There can be, I am sure, no valid reason against the submission to the people of a proposed constitutional amendment providing for a direct initiative and referendum. This would give the people an opportunity to vote on the question whether or not they want the right to instruct their representatives and also the further right to pass upon the laws enacted by their legislature. But whether or not you would care to go so far in this direction, I would urge your consideration of a plan for an advisory initiative and referendum."

Hon. George E. Chamberlain, governor of Oregon, where the initiative and referendum is in operation, says:

"I approve the formation of a national initiative and referendum committee, and firmly believe that the correction of most of the evils which afflict us will never be accomplished until the people take back the power which they have unconsciously surrendered to conventions, political machines, and party bosses."

Louis F. Post, editor of The Public, writes:

"Very gladly do I assent to your use of my name as a charter member of the national initiative and referendum committee. To my mind the initiative and referendum is the primary reform, the one next at hand, the one without which every other must be more difficult if not altogether impossible."

This is in line with the statement of William J. Bryan to the Oklahoma Democratic State convention, June, 1907:

"Let me suggest that you take as your campaign keynote: 'Let the people rule.' I want to see it in your campaign and in the national campaign."

Hon. T. M. Patterson, former United States Senator, says:

"It is only through the most practical form of initiative and referendum that the people can have self-government. Our representative system in nation, State, and municipality is rapidly degenerating into a farce. May the people's rule be established at the earliest possible moment."

Mr. Byron W. Holt, the noted economist, writes:

"I fear for our country if we do not soon establish a government for the people. Things are getting too rotten to last much longer."

Hon. William Lloyd Garrison, the present day apostle of freedom, writes:

"I am delighted to express my belief in and sympathy with the proposal for a national initiative and referendum committee."

Mr. Henry George, jr., worthy son of a great statesman, writes:

"I most certainly am for the initiative and referendum and shall be glad to help in the national initiative and referendum committee."

Hon. Jesse J. Dunn, chairman Oklahoma Democratic State committee, 1906, and elected supreme court judge, writes:

"Prior to the election for delegates to the constitutional convention in Oklahoma the Democratic party had never declared for the initiative and referendum. In that campaign we put this declaration in our platform and made it the paramount issue. The fight was waged on this as our rallying cry. The Republican organization decried it, scoffed at it, and argued against it. It had the prestige of having been the party which granted us the enabling act. Its boards, entirely partisan, formed our constitutional convention districts as they saw fit. It had the administration of government in both Territories and in the nation and controlled all the election machinery. Every post-office was a recruiting station, and yet with the principle of direct legislation for our battle cry we carried 99 out of the 112 districts. We would have carried the others except for local conditions which rendered them impossible. Direct legislation emancipates the people from the control of the legislature. It affords a shield to an honest legislature and a sword to the people. I believe the people of the nation are in favor of it."

Robert L. Owen, United States Senator from Oklahoma, wrote last January:

"Our people greatly value the initiative and referendum principle and think it should be a national issue. I personally campaigned for it from one end of the State to the other."

Hon. Scott Ferris, Member of Congress from Oklahoma, writes:

"Practical use, in my judgment, is all that is necessary to make the initiative and referendum indispensable throughout the Nation, the States, and the municipalities."

Prof. Frank Parsons, president of the National Public Ownership League, writes:

"Direct legislation is the fundamental reform. It, and it only, can destroy the private monopoly of legislative power and establish public ownership of the Government."

Every true Republican believes with Lincoln and Jefferson in the people's rule. Hon. W. E. McCullagh, Republican member of the Pennsylvania general assembly, writes:

"I am very much in favor of the initiative and referendum and had the pleasure of introducing a bill in the house of representatives in this State, which passed the house by 155 to nothing, but which was promptly killed by the 'nonrepresentatives' of the people in the Senate."

Hon. William T. Creasy, Democratic representative in the Pennsylvania legislature and member of the State grange legislative committee, writes:

"I accept your invitation to become a charter member of the proposed national committee. For a long time I have been of the opinion that the only way the people can

regain control of the Government and stop the corruption in legislative affairs is to establish the initiative and referendum. Fourteen years' experience in the Pennsylvania legislature has convinced me that legislatures as a whole are the creatures of the bosses who serve the great interests."

Hon. George Fred Williams, the great leader of Democratic thought in Massachusetts, writes:

"The more I have to do with politics the more I realize the necessity for pushing for the initiative and referendum. For several years I have insisted that this issue and public ownership of public utilities are the only two questions worth considering; they lie at the root of all others.

Hon. R. F. Pettigrew, former United States Senator, writes:

"The time is ripe to enter the field federally. I heartily approve of a national initiative and referendum committee, and shall be pleased to become a charter member."

Hon. Frederic C. Howe, State senator in Ohio and senate leader for the initiative and referendum, writes:

"The remarkable growth of the direct-legislation movement is inspiring. I strongly approve the formation of a national initiative and referendum committee." (The committee has been merged into the Initiative and Referendum League of America.)

Nineteen State granges have declared for the people's rule, and C. B. Kegley, master of Washington State Grange, writes:

"I shall be glad to become a charter member of the national initiative and referendum committee. Inclosed are names and addresses of some thoroughly reliable men. We are now in the midst of our harvest and I am overrun with work, but stop to write my acceptance and wish you success."

Mr. Obadiah Gardner, former master Maine State Grange, writes:

"I am heartily in favor of the formation of a national initiative and referendum committee and will do all I can to advance the cause."

Mr. John Mitchell, president of the United Mine Workers and second vice-president American Federation of Labor, writes:

"It gives me pleasure to accept your invitation to become a charter member of the national initiative and referendum committee."

Erving Winslow, secretary of the Anti-Imperialist League, writes:

"Of course I am throughly with you in your plan for the national initiative and referendum committee and heartily wish you success."

Mrs. Carrie Chapman Catt, president International Woman Suffrage Alliance, writes:

"Of course I am willing to become a member of the propsed committee on initiative and referendum. I hope the new movement may succeed in interesting all who are favorable, and that the serious effort to secure initiative and referendum laws will be greatly strengthened."

B. O. Flower, editor The Arena, a people's-rule magazine, writes:

"The battle for restoration of the people's rule is bound to become hotter and hotter as the months pass by, and it is extremely necessary for us to stand shoulder to shoulder in this great fight."

Thomas H. Barry, for twenty years editor and proprietor of the San Francisco Star, writes:

"I accept your invitation to become a charter member. I shall continue to fight for the people's rule while God give me strength to speak or handle a pen."

Hon. Frank L. Dingley, leading Republican editor in Maine, writes:

"I am sure that if the people will use the initiative and referendum they will do much for representative government. I do not contemplate diminishing my zeal in the good work."

Dr. C. F. Taylor, editor Medical World and Equity Series, and one of the most practical of reformers, approved the formation of a large national committee, and said:

"Yes, we elect our rulers; but we do not want rulers. We want agents; and we want the usual control over our public agents that private parties have over their private agents: that is, we want the right of revising our agents' acts, and we want the right to discharge our agents if we desire. Only in this way can we get 'Government of the people, by the people, and for the people.'"

Prof. Thomas E. Will, secretary to The American Forestry Association, writes:

"Direct legislation is the hope of the Republic. The next advance step is a nation-wide committee to promote it. Let every man do his duty."

Hon. Champ Clark, assistant minority leader in the National House, wrote last July:

"The time has arrived for organized, widespread, active work for the people's rule."

To the same effect are statements by—

Hon. T. P. Gore, United States Senator for Oklahoma.
Hon. Wilkinson Call, former United States Senator from Florida.
Hon. Lucius F. C. Garvin, former governor of Rhode Island.
Hon. Andrew E. Lee, former governor of South Dakota.
Hon. E. L. Fulton, M. C. for Oklahoma, first Member of Congress to introduce an initiative and referendum measure.
Hon. James D. Davenport, M. C. for Oklahoma.
Hon. George E. Cotterill, State senator in Washington.
Hon. L. A. Ueland, State representative in North Dakota.
Hon. James C. Dahlman, Democratic national committeeman for Nebraska.
Hon. Harry Wentzy, chairman South Dakota Democratic State central committee.
Hon. J. Spellacy, chairman California Democratic State central committee.
Hon. J. L. Considine, chairman Nevada Democratic State central committee.
Hon. Alexander Troup.
Hon. James H. Ferris, chairman People's Party national committee.
Jay W. Forrest, chairman national provisional committee of radicals.
Hon. Thomas E. Watson, ex-M. C. and former nominee for President.
Hon. Wharton Barker, former nominee for Vice-Presidency of the United States.
Elmer E. Greenwalt, president Pennsylvania Federation of Labor.
J. H. Fricke, president Texas Federation of Labor.
Thomas J. Sheridan, president Missouri Federation of Labor.
Eltweed Pomeroy, president National Direct Legislation League.
George H. Strobell, secretary National Direct Legislation League.
Hon. W. S. U'Ren, secretary Oregon People's Power League.
Hon. Robert Treat Paine, jr., president Massachusetts Public Opinion League.
Clarence Van Dyke Tiers, president Pennsylvania Initiative and Referendum League.
W. H. Kaufman, secretary State of Washington Direct Legislation League.
H. B. Maurer, secretary New York State Initiative and Referendum League.
Dr. Wm. P. Hill, president Missouri Referendum League.
Rev. H. Heber Newton.
Robert Hunter.
Rev. B. F. Mills.
Mrs. Florence Kelly.
N. O. Nelson.
Prof. Edward W. Bemis.
Walter Thomas Mills.
Lewis Stockton.
Hon. Brand Whitlock.
Charles F. Nesbit.
Hon. H. W. Lawrence.
Hon. W. T. La Follette.

PRESIDENT ROOSEVELT'S ATTITUDE.

In his last annual message to Congress, December 3, 1907, President Roosevelt said:

"In my message to the Congress on December 5, 1905, I said: * * *

" 'Our steady aim should be by legislation, cautiously and carefully undertaken, but resolutely persevered in, to assert the sovereignty of the National Government by affirmative action. * * * .'

"I have called your attention in these quotations to what I have already said because I am satisfied that it is the duty of the National Government to embody in action the principles thus expressed."

In this message President Roosevelt further said:

"It is profoundly immoral to put or keep on the statute books a law, nominally in the interest of public morality, that really puts a premium upon public immorality, by undertaking to forbid honest men from doing what must be done under modern business conditions, so that the law itself provides that its own infraction must be the condition precedent upon business success. To aim at the accomplishment of too much usually means the accomplishment of too little, and often the doing of positive damage. In my message to the Congress a year ago, in speaking of the antitrust laws, I said:

"'The actual working of our laws has shown that the effort to prohibit all combination, good or bad, is noxious where it is not ineffective. Combination of capital, like

combination of labor, is a necessary element in our present industrial system. It is not possible completely to prevent it; and if it were possible, such complete prevention would do damage to the body politic. What we need is not vainly to try to prevent all combination, but to secure such rigorous and adequate control and supervision of the combinations as to prevent their injuring the public, or existing in such forms as inevitably to threaten injury. * * *

"'It is unfortunate that our present laws should forbid all combinations; instead of sharply discriminating between these combinations which do good and those combinations which do good and * * *. Often railroads would like to coubine for the purpose of preventing a big shipper from maintaining improper advantages at the expense of small shippers and of the general public. Such a combination, instead of being forbidden by law, should be favored. * * *

"'It is a public evil to have on the statute books a law incapable of full enforcement, because both judges and juries realize that its full enforcement would destroy the business of the country; for the result is to make decent men violators of the law against their will and to put a premium on the behavior of the willful wrongdoers. Such a result in turn tends to throw the decent man and the willful wrongdoer into close association and in the end to drag down the former to the latter's level; for the man who becomes a lawbreaker in one way unhappily tends to lose all respect for law and to be willing to break it in many ways.

"'No more scathing condemnation could be visited upon a law than is contained in the words of the Interstate Commerce Commission when, in commenting upon the fact that the numerous joint traffic associations do technically violate the law, they say:

"'"'The decision of the United States Supreme Court in the Trans-Missouri case and the Joint Traffic Association case has produced no practical effect upon the railway operations of the country. Such associations, in fact, exist now as they did before these decisions, and with the same general effect. In justice to all parties, we ought probably to add that it is difficult to see how our interstate railways could be operated with due regard to the interest of the shipper and the railway without concerted action of the kind afforded through these associations.'"

"This means that the law as construed by the Supreme Court is such that the business of the country can not be conducted without breaking it."

In a special message to Congress January 31 President Roosevelt arraigned the dishonest rich and asked that monopoly corporations be curbed. In part he said:

"Superficially, it may seem that the laws the passage of which I herein again advocate—for I have repeatedly advocated them before—are not connected. But in reality they are connected. Each and every one of these laws, if enacted, would represent part of the campaign against privilege, part of the campaign to make the class of great property holders realize that property has its duties no less than its rights."

Commenting on this special message by President Roosevelt Hon. William J. Bryan is reported to have said:

"All friends of reform have reason to rejoice that the President has used his high position to call attention to the wrongs that need to be remedied. He has discovered the running sore in our national life. He has pointed out the corrupting influences that flow from predatory wealth and from the monopolistic enterprises which have given unearned riches to the few, who have levied tribute upon the whole country.

"His warnings are entirely in harmony with the warnings which Democrats have been uttering for more than a decade, and I hope that the Democrats in the Senate and House will promptly challenge the Republicans to meet the issues presented by the President."

(New York Evening Journal, February 1, 1908.)

Appendix VII.

FURTHER ANSWERS TO OBJECTIONS.

Objections come from three sources: From those who are not informed, from the misinformed, and from the ruling few and their agents.

The ruling few throw dust, endeavoring to confuse the issue, for they can not win in a straight-out debate, as is evidenced by the results wherever the issue is thoroughly threshed out. In Maine, for example, the vote submitting the constitutional amendment was unanimous. In Pennsylvania the last house by a uanimous vote passed a bill for the initiative and referendum in cities and boroughs. It is clear, then, that the initiative and referendum wins in a straight-out debate. It is only by falla-

cies that our opponents can make a show. All the facts are against them. This is shown by an examination of their objections. Following are the ones most frequently urged against the establishment of the initiative and referendum in combination with a legislature or Congress:

Objection No. 9.—It would destroy representative government.

Answer. The exact opposite would occur. Representative government will be restored, as is evidenced by actual results wherever the initiative and referendum are established. In Oregon, for example, the establishment of a veto power in the voters and the power of direct legislation has made the legislature more representative of the people's interests, and direct legislation is being used to establish proportional representation. Proportional representation will be real representative government—the people's interests will be fully represented. The opening wedge for the establishment of proportional representation is the initiative and referendum principle in combination with legislatures and with Congress.

To-day machine rule exists, and machine rule is not representative government, as you all know. Representative government used to exist in this country, for the voters possessed an option to instruct their elected representatives. But the convention system arose, and the voters ceased to exercise the right to instruct the elected representatives. Thus the final power became lodged in the party machine, and then the convention system was debased, and we had the detestable rule of the few. This system has been terminated in Oregon and in several other States by the establishment of a veto power in the voters—the power of direct legislation. The legislature is used, but it is not the final power; the final power is in the voters, where it belongs. The initiative and referendum, then, restores representative government. It does not destroy representative government. It destroys machine rule.

Objection No. 10.—The government erected by the fathers should be maintained.

Answer. The existing system of government has not existed since 1787, but only for about seventy-five years. To refuse to note the distinction between the existing machine rule and the preceding people's rule is a gross fallacy. It is an attempt to deceive the public.

Objection No. 11.—An advisory vote system for national questions would be unconstitutional, for "the Federal Constitution vests all legislative power exclusively in Congress." Statement by Judge Edgar D. Crumpacker, M. C., published in Referendum News, November, 1906.

Answer. What the Constitution declares is:

"All legislative powers herein granted shall be vested in a Congress of the United States."

And Article IX of the amendments provides:

"The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

Among the rights retained by the people is that of instructing Representatives. This is evidenced by the fact that at the time this amendment was adopted it was customary for the people to instruct Representatives, and they continued to instruct them. The people's right to instruct is also evidenced at that time by the constitutions in four States, namely, Massachusetts, New Hampshire, Pennsylvania, and North Carolina. The Bill of Rights expressly prohibits the legislature from interfering with the people's right to assemble to instruct their Representatives.

Most of the Federalists objected to instructions from the people. They objected to the people's rule. They believed in elected rulers. These autocratic Federalists came into full power during 1798, and during the two following years did such high-handed things that at the next election the people ousted them. Men were elected pledged to majority rule, as is evidenced by Thomas Jefferson's inaugural message. So successful was the majority rule system that with the inauguration of Monroe, 1817, the opposition party died.

The year before, Thomas Jefferson in a letter to John Taylor said:

"Your book [An Enquiry into the Principles of Government] settles unanswerably the right to instruct representatives and their duty to obey."

Objection No. 12.—The Federal Constitution declares, "The United States shall guarantee to every State in the Union a republican form of government." The installation of the initiative and referendum in connection with the legislature would make an unrepublican form of government.

Answer. That is queer logic: To restore the people's rule would be unrepublican. Not so; what the United States Government guarantees is protection against a monarchical form of government and an aristocratic form of government. It was so stated in 1787 by the advocates of the proposed Constitution. (Letter 43, the Federalist.)

Furthermore, the meaning is shown by referring to the State governments existing in 1787, which admittedly were republican. In them the voters balloted direct on

public questions whenever they chose to do so, and the will of the majority was an instruction to legislative representatives, who obeyed. The initiative and referendum is in principle the same as instructions to elected representatives.

Additional authorities are the decisions of the supreme courts of Oregon and California, and of President Roosevelt admitting Oklahoma to statehood. In the proclamation of the President it is expressly stated that the system of government is republican. The President said:

"Whereas it appears that the said constitution and government of the proposed State of Oklahoma are Republican in form." (Proclamation issued November 16, 1907.) And this proclamation was so issued in this form after consideration of elaborate briefs denying that the constitution was republican in form for this very reason.

For years Congress has admitted Senators and Representatives from the States having the initiative and referendum, thus acknowledging that these States possess a republican form of government.

Objection No. 13.—The existence of the referendum will lower the representative's sense of responsibility.

Answer. By that is meant that the representative will no longer be a ruler, but the people's agent. That is as it should be. See also in our first memorial the statement by Hon. Le. Gage Pratt, of New Jersey.

Objection No. 14.—To establish direct voting by the people on public questions will terminate the equal power of the States in the Senate.

Answer. No, for it is to be provided that before a measure shall carry it must receive a majority vote in a majority of the States, as well as in a majority of the Congressional districts. This double majority is provided for in Switzerland, and it is a noticeable fact that each measure that has received the approval of a majority of the voters has also received their approval in a majority of the Cantons or States.

Objection No. 15.—The representative is the representative of the whole people and not alone the representative of his constituents, and therefore he should not take instructions from his constituents.

Answer. The conclusion is based on a fallacy. A member of the legislature and of Congress is elected to represent those who send him, and this is proved by the fact that they can and do retire whoever does not suit them. A leading example is that of Edmund Burke in the British House of Commons. He disobeyed instructions from his constituents, and they refused to return him. (The Works of Edmund Burke, pp. 127–170, Bell & Son's ed.)

Objection No. 16.—In the States where there are large cities the farmers should oppose the establishment of the initiative and referendum because if the system should be installed the farmers would be in the minority.

Answer. As it now stands the farmers and the people in the cities are both ruled by the monopolists, through the machine-rule system. The farmers should help restore the people's rule, for it will help themselves as well as help their fellow-men in the cities.

It seems strange to hear it said in this country that the farmers should advocate the rule of the few, and those few the trust kings. An example of this kind of argument occurred in New York State by a leading grange official. He said because many of the farmers of New York State were opposed to the $100,000,000 expenditure for w dening and deepening the Erie Canal and were voted down on a referendum ballot throughout the State, that therefore the farmers should oppose the adoption of the initiative and referendum system.

The false reasoning comes from the failure to note that the chief argument for the improved canal was to make a transportation line to compete with the railroads and thus keep down their rates. Had the initiative and referendum existed, the voters could have acted directly on railway rate regulation, and thus there would have been no need for an enlarged canal.

The farmers are "skinned" by the trusts and other machine-rule contrivances the same as are the people in the towns. Both are vitally interested in terminating machine rule, with its corruption, special privileges, child labor, and other evils.

Objection No. 17.—Too few people vote on public questions, as is evidenced by the extremely small vote on constitutional amendments.

Answer. Those who have not voted on the public questions are the ones who have not studied them. They have been careless or ignorant, or both. The ones, then, who have decided the referendum questions are the ones who have taken an interest in public questions. In other words, there has been a self-disfranchisement of the unfit. This is as it should be.

Furthermore, under the present system of compulsory referendum for constitutional amendments there usually is not a proper advertising of the proposed changes, and frequently the referendum ballot gives only a general description of the question at

issue, and sometimes the question is unimportant. The small vote under these circumstances is no argument against the optional referendum. Our opponent's claim is a fallacy. But as he has no case, he is obliged to argue fallaciously or admit that he is defeated.

Objection No. 18.—The people are not capable of deciding intricate questions.

Answer. Under the initiative and referendum the only power the people as a whole have is a veto power. They merely can reject measures, which compels the legislative representatives or would-be reformers to present a revised measure or acquiesce for a time. Should 5 per cent of the voters order that a tariff bill enacted by Congress be referred to the people and should the bill be rejected, it would merely send it back to Congress with orders to pass something better or take the consequences. Undoubtedly Congress would pass another bill and it would be nearer the people's ideal.

Now as to the results. Experience demonstrates that where the people of the United States have ruled it has promoted the public welfare. We appeal to the first sixty-five years of our country's history and to present-day results wherever our people are in power. Not one failure is cited by our opponents; therefore they have no basis for their objections.

See also statements by Hon. Legage Pratt and Governor Burke.

Objection No. 19.—The opportunity to retire a representative who fails to be truly representative is all that the people wish and need to enforce their will.

Answer. This is one way of saying that the existing system of machine rule is satisfactory to the people. Why, then, are the people "kicking?" Why are they arguing for the control of the trusts? Why is President Roosevelt arguing for the reduction of swollen fortunes? Evidently the people's interests have not been cared for and they know that they can care for them—they can establish a direct-vote system for public questions. It will result in an immediate control of the trusts and eventually result in the restoration of representative government. Under the existing systems of government it is not possible for the people to elect a really representative Congress. Machine rule exists. The voters are not the ruling power.

Objection No. 20.—Petitions will be secured too easily.

Answer. Let our opponent consider what it will mean to get 650,000 signatures for a national bill. It will be a herculean task unless there is widespread cooperation. If experience shall demonstrate to the people at any time that a larger number of petitioners should be required they can vote the change.

Objection No. 21.—The initiative and referendum involve too many elections.

Answer. Just the reverse. Machine rule is resulting in numerous elections and long lists of elective officials to compel them to render an accounting. Under the initiative, referendum, and recall it will be easy to reduce the number of elective officials and lengthen the term of those who are elected. And the initiative and referendum questions are not being submitted at special elections except on rare occasions.

Objection No. 22.—The people's rule would result in radical legislation.

Answer. When the people regain their sovereignty they undoubtedly will terminate special privileges, but in going about it through the initiative system they will proceed more slowly than would a really radical Congress. To move the mass of voters is more difficult than to get a majority vote in Congress.

Objection No. 23.—The people are too easily swayed. They are too changeable. They are liable to become an unreasoning mob.

Answer. A distinction is to be made between the ancient small democracies and present-day democracies. In the Greek democracies all the voters congregated at a single meeting and were unhampered by constitutional limitations provided by a much larger body of voters. To-day all is changed. The United States of America is not peopled by the mercurial Greeks of 2,500 years ago, but principally by the descendants of a different nation, descendants of the Teutons, Gauls, and Celts, who possess a spirit of liberty and an enlightened intelligence and moral fiber which makes them more capable of self-government than are even the present-day Greeks and Romans; and, instead of the possibility of changing the fundamental law after a few hours' debate, led by two or three popular orators, there is provision for public hearings, for taking of testimony and cross-examination of witnesses, followed by written debate by committees of experts; and the printed debate, together with a copy of the bill, is to be mailed to each voter, and then at election time, months and months after the issue shall have been raised, it is to be decided by the intelligence of the country.

That is the proposed system for the United States. The Oregon system, much less complete, has resulted in enlightened majority rule; and the same is true in Switzerland. The modern democratic state, instead of being changeable, is the most stable in the whole world. In the words of De Tocqueville during 1848, appealing to the French nation to establish a proper system of people's rule:

"The principle of the sovereignty of the people, which we enthroned in France but yesterday, has in America held undivided sway for over sixty years, and during

that period not only has the country been the most prosperous, but the most stable of all the nations of the earth. Whilst all the nations of the earth has been devastated by war or torn by civil discord, the American people alone in the civilized world have remained at peace. Almost all Europe was convulsed by revolutions; America has not had even a revolt." (Author's advertisement to the twelfth edition.)

The same has been true in Switzerland. In the words of Prof. A. Lawrence Lowell, of Harvard University, in the concluding paragraph of a two-volume work entitled "Governments and Parties in Continental Europe:"

"The people of Switzerland are contented. The Government is patriotic, far-sighted, efficient, and economical, steady in its policy, not changing its course with party fluctuations. Corruption in public life is almost unknown, and appointments to office are not made for political purposes by the Federal authorities, or by those of most of the Cantons. Officials are selected on their merits, and retained as long as they can do their work; and yet the evils of a bureaucracy scarcely exists. * * * Wealth is comparatively evenly distributed."

These are the results of the people's rule. They demonstrate that the people's rule is conservatively progressive. Our opponents admit it, for they do not attack what the people's rule has accomplished.

Objection No. 24.—The people will make mistakes.

Answer. This is another theory. No specific instances of mistakes through the use of the initiative and referendum are given. The initiative and referendum system is such that the people understand the questions at issue and are conservative. They prefer to stick to existing conditions until they clearly see that the proposed change will be beneficial. No instance is quoted where a measure adopted under the optional referendum or direct initiative has been repealed. If mistakes were being made the laws would be repealed. This nonrepeal of measures adopted through the initiative and referendum is conclusive proof that the people have not made mistakes. They have advanced slowly, but surely.

It can not reasonably be argued that mistakes have been made because they have not advanced more rapidly. "Mistakes" has a different meaning. To say that the people have made a mistake is equivalent to saying that they have gone wrong, not that they haven't gone faster.

Objection No. 25.—Laws would be poorly drawn.

Answer. That again is a mere theory. Experience has demonstrated otherwise. Bills are drafted by those who wish the measure to succeed, and not by corporation lawyers who aim to defeat them. Each measure is clear and unequivocal, for there is no attempt to insert something which the Supreme Court can use as a basis to declare the law unconstitutional.

Objection No. 26.—Should 5 per cent of the voters of the nation be empowered to bring to a vote of the people such questions as they may wish to propose it would keep the country in a turmoil.

Answer. At first there would be quite a few bills and proposed amendments, for the few have ruled for nearly seventy-five years and are in power in Congress. But after a time Congress will represent the people and few if any initiative measures will be voted upon. For example, in Switzerland where the initiative was installed in federal affairs in 1891 three initiative measures were soon voted upon, one in 1893 and two the next year, since which time, namely, thirteen years, not another initiative measure has been presented. In the United States the same general result will doubtless occur except as individual initiative is greater among us. Whenever a group of progressive American citizens believe that a change in the laws will promote the public welfare they should be at liberty to bring the question squarely before their countrymen if they can secure 650,000 signatures. That is right. There should be an opportunity for individual initiative in public affairs the same as in private corporations. For the developing altruism of the age there should be provided a system through which it can appeal direct to the people.

Objection No. 27.—The majority should not be permitted to amend the constitution, for then the minority would no longer be protected. This was the argument in the Michigan constitutional convention.

Answer. The question is, Shall the majority or the minority rule? The answer is clearly demonstrated in our country's history. The people have prospered most under majority rule. In Jefferson's day the people's rule resulted in the termination of legal privileges, and to-day the restoration of the people's rule will likewise terminate legal privileges.

In Michigan the votes of eleven Senators can prevent the submission of a constitutional amendment. Is that right? Or should the people rule?

PEOPLE'S RULE BENEFITS ALL CLASSES.

The monopolists who really believe that they will be better off under a continuation of the existing rule of the few are mistaken. They fail to grasp the fact that the reestablishment of the people's rule in this country will tremendously benefit everyone, just as the improvements in electrical appliances are benefiting everyone. The people's rule will improve the social conditions, and everyone will share therein. The monopolists especially will be benefited, for they have accumulated fortunes, and what they most need is a stable government. This they can not hope for under the continued rule of the few.

Appendix VIII.

BRIEF FOR DEBATE.

[References in the following are to the foregoing pages.]

AFFIRMATIVE ARGUMENT.

The people of the United States should install the initiative and referendum, because—

1. It will restore their sovereignty and reestablish representative government. (For details, see p. ——.)

2. The initiative and optional referendum in combination with Congress is a thoroughly practicable system, as is evidenced by—

(*a*) The successful use of a similar system in Federal and State affairs in Switzerland; also in Oregon.

(*b*) The people of the United States are in the habit of voting upon national questions by voting for candidates who are pledged to vote for certain measures. The adoption of the initiative and referendum will merely enable the voters to separate the more important questions from that of the election of candidates, and separate the issues themselves; afterwards the exact truth concerning these important questions will be gotten to the intelligent voters and on election day they will rule (p. —). Thus real popular government, and of high grade, can be restored. The sham will be discarded.

3. Final power in the voters of the nation will promote the public welfare, as is evidenced by—

(*a*) The results of the people's rule during the first sixty years of our nation's history.

(*b*) The results in Oregon, South Dakota, and Oklahoma.

(*c*) The known attitude of the voters of our land toward the questions of the day.

(*d*) The results in federal affairs in Switzerland, where private monopolies have been terminated and in other ways the people care for their interests.

4. The world's trend is toward more and more power in the people, thereby promoting the welfare of the race. In the United States, where for sixty-five years the people were the ruling power, they have restored their sovereignty in several States, and evidently in other States and nationally the movement is progressing, and as the world is moving in that direction it will succeed.

5. The line of least resistance for establishing the initiative and referendum in Federal affairs is to work for the establishment of a statute for the advisory initiative for a few of the more pressing questions, and after that is in use there can be submitted through it a constitutional amendment for the full initiative and referendum.

CONCLUSION.

Review with us the arguments: We have shown that to establish the initiative and optional referendum in national affairs is practicable, and that to do so will restore the people's sovereignty and reestablish representative government, and thereby promote the public welfare. Furthermore, the trend in this country is against machine rule and for the people's rule.

These points are not disproved by our opponents. You know that the initiative and optional referendum are a success in Oregon and Switzerland, and that the people of the United States are in the habit of voting upon national questions by voting for candidates. The only change on election day will be to hand to the voters a ballot on which are six or eight printed questions and for each question the voters' duty will be to place a cross opposite the word "Yes" or "No." But the ignorant and careless will fail to mark their ballots, thereby automatically disfranchising themselves.

These are facts, worthy judges, which our opponents have not disproved and we therefore claim the verdict. The people of the United States should establish the initiative and referendum. It can come gradually, as is proposed in the nonpartisan programme.

Appendix IX.

SUMMARY AND CONCLUSION.

Our programme, in a word, is the restoration of the people's rule—self-government. Majority rule. That is the paramount issue. We, the people, demand the reestablishment of our own sovereignty in place of machine rule. Trustocracy must give place to republicanism and democracy. The system of government that is outside the Constitution and which maintains itself through fraud and corruption must give way to the people's rule.

To accomplish this the programme is to restore, in connection with Congress, a system whereby the voters can ballot direct on public questions, the will of the majority to be an instruction to the elected representatives, who will be pledged to obey. This will do much to restore representative government. Then the advisory initiative and advisory referendum will be exchanged for the initiative and referendum; and proportional representation will doubtless be installed in the National House.

The people's rule in this country is not an untried system, for it existed prior to the rise of the convention system, some seventy-five years ago, as has been pointed out.

QUICKEST POSSIBLE RELIEF.

Furthermore, the nonpartisan programme furnishes the quickest possible relief. If successful in the coming campaign the advisory initiative and referendum principle will be established at the opening of next Congress, which will be during the spring of next year if the President will summon it. Then the initiative measures submitted by the people can be filed with the Secretary of State and by him transmitted to Congress, where public hearings can be had and competing measures framed, and both sides submitted to the sovereign people.

We close with the following excellent advice by the author of democracy in Europe, Sir Thomas Erskine May, K. C. B., D. C. L.:

"This constant development of popular influence, as the result of the intellectual and material progress of nations must, therefore, be accepted as a natural law.

"Such a law, like other laws which shape the destinies of man, is to be reverently studied and accepted without prejudice as a beneficent influence designed for the general benefit of society. Let us not be too prone to condemn, or to dread it, as a social danger. Rather let us learn to interpret it rightly and to apply it with careful discernment to the government of free States. If it be a law that the progressive civilization of a nation increases the power of the people, let that power be welcomed and gradually associated with the State. The same cause which creates the power also qualifies the people to exercise it. In a country half civilized, popular power is wielded by a mob; in a civilized community, it is exercised by the legitimate agencies of freedom—by the press, by public discussion, by association, and by electoral contests. If ignored, distrusted, defied, or resisted by rulers, it provokes popular discontents, disorders, and revolution; if welcomed and propitiated, it is a source of strength and national union. To discern rightly the progress of society, and to meet its legitimate claims to political influence, has become one of the highest functions of modern statesmanship" (pp, xxix–xxx).

Appendix X.

MAJORITY RULE; OR THE INITIATIVE AND REFERENDUM.

[An address delivered in Valley City, N. Dak., January 13, 1908, by Hon. L. A. Ueland, member of the North Dakota legislature and author of the constitutional amendment for the initiative and referendum for his State.]

THE DIRECT-LEGISLATION ISSUE IN NORTH DAKOTA.

A bill for the amendment of the constitution providing for the initiative and referendum was passed by the last legislative assembly of North Dakota. Under the regulations of our constitution this amendment must also be passed by the coming legislative assembly and then submitted to the voters at the following election.

WHAT IS THE INITIATIVE, REFERENDUM, AND DIRECT LEGISLATION?

The initiative is a provision by which a portion of the voters, usually 8 per cent, can propose a law or an amendment to the constitution and have it submitted to the voters at the polls for adoption or rejection.

The referendum is a provision by which a portion, usually 5 per cent, of the voters can demand that a law passed by the legislature shall be submitted to the voters at an election for their approval or rejection, a majority to decide.

The initiative and referendum together are called direct legislation, because through them legislation can be secured direct without having to resort to representatives.

After the adoption of the initiative and referendum, it a bill is passed by the legislative assembly that there is much objection to the people can circulate petitions against it, and if they secure signatures to the number of 5 per cent of the voters the bill in question will be submitted to all the voters of the State at the following election. If a majority then votes in favor of the law it will go into effect, but if a majority votes against, the bill will thereby be vetoed and become void. This is the referendum.

The initiative is for proposing new laws. If a respectable number of voters agree to try to get a law passed, they can draw the law as they desire it and then circulate petitions in its favor. When they have secured the signatures of 8 per cent of the voters the bill and petitions are sent to the secretary of state. He in turn lays the bill before the legislative assembly and if it refuses to enact it into a law the bill then goes before the people at the next general election. At the same time that the secretary of state sends out a copy of the bill for the information of the voters, arguments furnished by the supporters and opponents of the bill, and paid for by them, are sent along. If a majority votes in favor of the bill, it becomes valid law. Under the North Dakota amendment the legislature can submit another bill on the same subject at the same time, in which case the people have a choice of two bills, and may adopt either or neither.

This last provision is the essential difference between the North Dakota amendment and the Oregon amendment, as in Oregon the initiated bill goes directly to the people, the legislature having nothing whatever to do with it.

ONLY THEORETICALLY PEOPLE RULE NOW.

The Declaration of Independence says that governments derive their just powers from the consent of the governed. Our State constitution declares that all political power is inherent in the people. In every campaign appeal is made to the people to decide on platforms and candidates. All State constitutions are referred direct to the voters for approval or rejection. In short, the accepted and fundamental principle of our political institutionis that the people rule. In theory the people rule now, but under a purely representative system it is impossible to carry this theory out fully in practice.

Under a representative system platforms are adopted to guide the voters in determining their choice of principles. But no platform contains only one question. Several important issues are generally involved in national and State campaigns, and the voters' choice consists only in selecting one out of two or more groups of resolutions, some of which he may approve and others disapprove. The man who in 1896 believed in revision of the tariff but was opposed to the free coinage of silver would have to vote against his principles on one or the other of these questions. So, too, would the man who lived in New York and favored both the reduction of the tariff and the free coinage of silver, but compelled to vote for the Tammany legislative candidates, no matter how corrupt he might know them to be, if his vote should be consistent on national issues. Bear in mind also that a large number of questions that come up for action before legislatures and Congress have never been touched on in platforms nor had any public discussion even, and it is easy to see that under our present system the will of a majority of the people does not necessarily govern. It is not known. No one knows how many favor high or low tariff, free lumber or high duty on it; how many support the present policy of the United States toward the Philippines, or what proportion of the voters support Federal or State regulation of corporations. It can never be known until each question is submitted by itself, singly and alone, stripped of all side issues and in such a manner that it will not affect the success of individual candidates or a political party. This opportunity an initiative and referendum gives, and after its adoption the will of the majority will govern not only in theory but in fact.

Under the initiative and referendum you select what you want as you do the dishes from a bill of fare in a first-class restaurant Now you not only have some one else select the dishes for you, but you are compelled to eat them, onions, crow, and all.

INITIATIVE AND REFERENDUM THE MISSING LINK TO MAJORITY RULE.

If we compare a deliberative assembly with a State, we will find that they have much in common. In the former all members have equal rights. As in a State, they find it necessary to adopt rules for the conduct of business and elect officers. They even select representatives that are suitable for certain work, put them on a committee, and provide special facilities for them so they can properly perform their duty. It is recognized that a report from such a committee is entitled to weight and usually it is adopted. But no one would ever think of giving the committee the absolute power to have its report adopted without the consent of the assembly. Nor does the fact that a committee is appointed on a given subject prevent the members from offering motions and resolutions on the same subject. But both of these inconsistencies are now practiced in a State under a purely representative system. The initiative and referendum would correct this practice and have us act as consistently in a State as we now do in a deliberative assembly.

It may be that one or two hundred years ago a purely representative system was the best that could be devised. With wagon roads none too good, no railroads, telegraph, or telephones, and mail service undeveloped, it would have been slow and cumbersome to ascertain the will of the whole people. But these conditions have changed entirely now, and even in those early times, there were those who saw the defects of the purely representative system, and proposed direct legislation as a remedy. In 1850 Martin Rittinghausen, a German by birth and education, wrote a series of articles in Paris on direct legislation, which created quite a stir. But no serious attempts were made to put it into practice except in Switzerland. In that country some of the small forest Cantons had a crude system of referendum, and through the efforts of Rittinghausen and others this system was gradually improved and extended to other and larger Cantons until finally the Swiss Federation itself adopted the complete initiative and referendum.

In regard to results there is hardly any difference of opinion. All disinterested observers practically agree that Switzerland is now a model Republic.

RESULTS IN SWITZERLAND.

Hon. Numa Droz, ex-President of the Swiss Republic, and author, says: "Under the influence of the referendum a profound change has come over the spirit both of Parliament and people. The idea of employer and employed, sender and sent, which lies at the root of the representative system, becomes an absolute reality. * * * The people have generally shown themselves wiser than the meddling politicians, who have tried to draw them into systematic opposition. They have more than once given the agitator to understand that he had no chance with them. The net result has been a great tranquilizing of public life. When the ballot has pronounced, everybody accepts the results. Those who make the most noise can not impose on the people as they do in other countries; they are taken for what they are worth."

Prof. Charles Borgeaud, of the University of Geneva, writes: "The referendum has won its case. Unquestionably is has proven a boon to Switzerland, and has no more enemies of any following in the generation of to-day. * * * Now, why is that institution so popular in Switzerland that no one would dream of proposing that we should do away with it and go back to the purely representative system of 1848? Because it has proven an efficacious remedy, meeting in a large measure the evils which may be consequent upon that form of government."

Hon. Karl Burkly, Counselor of Zurich, says: "The smooth working of our federal, cantonal and municipal referendum is, as a matter of fact, a truth generally acknowledged throughout Switzerland. The initiative and referendum are now deeply rooted in the hearts of the Swiss people. * * * So all is well with us, and you may authoritatively say that there is no agitation for its repeal or difficulty in its working, whether in Federation or in the Cantons or in the cities. Our Swiss political trinity—initiative, referendum and proportional representational—is not only good and holy for hard-working Switzerland, but would be even better, I think, too, for the grand country in North America."

Sir Francis Adams, British minister to Berne, Switzerland, gives this testimony: "The referendum has struck root and expanded wherever it has been introduced, and no serious politician of any party would now think of attempting its abolishment. The conservatives, who violently opposed its introduction, became its earnest supporters when they found that it undoubtedly acted as a drag upon hasty and radical lawmaking."

DIRECT LEGISLATIVE MOVEMENT IN THE UNITED STATES.

The initiative and referendum was mentioned very little in the United States before 1892. From that time the discussion of these principles was taken up and they have been gaining more and more support ever since. South Dakota was the first State to adopt this measure, the amendment being carried at the polls in 1898 by 23,000 to 16,000. Other States followed, and in 1902 the referendum amendment was adopted in Oregon by a vote of 62,024 to 5,668, or nearly 11 to 1. This amendment was more carefully drawn than any that had been introduced previously and has since been looked on as a model by the advocates of direct legislation and largely copied for introduction in other States. Thus the North Dakota amendment is almost an exact copy of the Oregon amendment and the same is true of the amendment that was adopted by the last legislature of Missouri, and also the clause in the Oklahoma constitution providing for the initiative and referendum.

As far as the initiative and referendum have been tried in the United States, the results have been very satisfactory, possibly more pronounced than in Switzerland.

Ex-Governor Charles N. Herreid of South Dakota, says: "Since the referendum has been a part of our constitution, we have had no chartermongers or railroad speculators, no wildcat schemes submitted to our legislatures. Formerly our time was occupied by speculative schemes of one kind and another, but since the referendum has been a part of our constitution, these people do not press their schemes on the legislature, and hence there is no necessity for having recourse to the referendum."

Ex-Judge of the Supreme Court R. P. Boise writes from Salem, Oreg.: "This initiative and referendum amendment was adopted some four years ago, and several laws have been enacted under it which could not be passed by the legislative assembly, for the reason that such laws are not wanted by political bosses and corporations whose selfish interests are liable to be restrained or regulated by them. This amendment is doing good service in this State in restraining jobbing, carelessness, and extravagance in legislation. It has greatly abridged the influence of the lobby and the power of corporations and persons seeking special privileges and monopolies through laws enacted by the legislature, and has brought the influence of the whole people to more prominence in the direction of public affairs."

Hon. Thomas A. McBride, circuit judge, fifth judicial district, Oregon, says: "Our initiative and referendum amendment has proven highly satisfactory in practice, and the opposition shown when it was before the people for adoption has entirely disappeared. * * * It has proven an effectual check on any disposition to legislative extravagance, and yet has been exercised very conservatively when any legitimate expenditure has been referred to the people."

The Springfield, Mass., Republican prints a letter from Republican United States Senator Jonathan Bourne, of Oregon, as follows: "Replying to your inquiry as to the present sentiment in Oregon regarding her direct legislation system, I feel fully justified in stating specifically that the same is more popular than ever and that no combination of circumstances or individuals can coerce or befool the people to assenting to or permitting any repeal or limitation of its power. In my humble opinion, Oregon's direct legislative system is the safest and most conservative plan of government ever invented. There is no possibility of any sudden overturn of policies and principles by change of parties in office—no great change can be made without the consent of a majority voting on that particular question separate from all others. I am confident that a majority can never be had for a measure without there is good reason to believe it will advance the general welfare.

"The great majority of American people are honest, intelligent, and just; agitation and full discussion must inevitably result in their giving a wise decision. Should a mistake be made through a lack of agitation and discussion, it can be quickly remedied by this system by again referring directly to the people. There is no occasion to wait for a change of administration or a change of party majorities in the State senate or house. This system places direct responsibility on each individual voter for the law under which he lives.

"The initiative especially makes available all statesmanship there is among the people. Any man or group of men having a good idea can enlist for one or more campaigns and get it before the people for approval or rejection. No boss or political machine nor corrupt legislator can prevent a fair hearing and decision by the supreme power, the sovereign people. No man afraid to trust the people should be trusted by the people."

In the Pacific Monthly for May, Lute Pease writes: "Oregon complacently confronts the pessimists of the republic with startling statements somewhat as follows: 'If our representatives do not represent us, we have power to force them to do so. We can reject any law that we don't want, or ourselves enact any law that we do want.

"'We have knocked out boss and machine. We have just elected two United States Senators in twenty minutes, without boodle or booze or even a cigar, and our legislature has just completed a session of extraordinary activity, untainted by any charge of corruption. All of which, it may be acknowledged, indicates a condition of political well being that justifies felicitation."

REFERENDUM THE REMEDY AGAINST CORRUPTION.

As already indicated the referendum will do away with bribery and corruption among legislative bodies. This is a great evil under present conditions, and laws and ordinances passed by unfair means are as good before a court as others. Not all legislative members are dishonest. But suppose one-third of the members of a legislative body are absolutely honest and competent, another third may be and frequently is composed of the supporters of certain special interests, be they railroad, street car, liquor, general corporation interests, or others. When these special interests want a law or an ordinance passed or to prevent one from being passed they do not have to buy or bribe their own friends; the first-named members they can not get; so they put in their work among the remaining third, composed largely of inexperienced men that are not on record for any particular position. Only a small portion of these are needed, and they are gathered in by the lobby through such means as will bring the desired results, from playing on their vanities to the vulgar cash bribe. The remedy usually proposed is to vote for honest men. But this advice has been given as long as there has been representative government and, without doubt, there is more corruption among legislative bodies now than ever before. The advice can not be followed, and the remedy has no practical value.

But if all laws could be referred to the people, bribery, corruption and graft would cease among legislative bodies. No individual or corporations would spend their money and time in working through a measure against the interests of the people when they knew that the people themselves could prevent it from going into effect; and for the same reason no lobbies would be employed to influence legislation by unfair or corrupt means. The members would then become unhampered and free to exercise their own judgment, not only because corrupt influences would not interfere with their action, but also because when this condition was generally known the motives of the representatives would not be questioned, as they are apt to be under present conditions, no matter how honest or sincere they may be.

Some have the impression that there is a remedy now, against getting and keeping bad laws, by choosing different representatives from those that have gone wrong. Neither does this work out in practice. In the first place, the new representatives, while not repeating the same offense, may do something else just as bad. In the second place, too often nothing can be gained by repealing the law that has been enacted against the people's wish when it finally can be reached. If a law is passed granting a franchise with exceptionably favorable conditions to a corporation, the corporation will accept the franchise and commence operations under it, after which it will remain in force for the time it was granted, even if the law that created it is repealed. So too in case of extravagant appropriations and similar cases, the mischief will be done before any repeal can reach them. The referendum locks the door before the horse is stolen, while now, at best, it is only locked afterwards.

PREVENTS BOSS RULE.

There is much agitation against boss rule, machine rule, and gang rule. It is felt and charged that political bosses, through the power they have acquired over political machines, can and do dictate nominations of certain men and force through legislation that the majority of the people do not want. Sometimes the resentment against these conditions reaches such a pitch that the voters resort to independent political action or put a minority party in power to rid themselves from this misrule. But this is only a temporary relief. The conditions otherwise remaining the same, it is only a question of time when either the same boss regains his lost power or another in his place performs the same acts, and soon a new gang becomes as obnoxious as the old one ever was.

If the people had the power to propose laws through the initiative and prevent the passage of laws that they do not want by the use of the referendum, no political boss could dictate the laws, and his power in that direction, at least, would be entirely destroyed.

ENCOURAGES PROPER LEADERSHIP.

But, say some, there will always be leaders. True. But we need leaders in thought, leaders in progress, unselfish leaders that are willing to work for the good of humanity, more than we need leaders that can only manipulate nominations and elections.

Under present conditions the latter have too much of a monopoly of leadership and frequently mislead because their mind is more centered on winning and retaining their power than on the promotion of what is to the best interest of mankind. The former kind of leaders are now usually pushed into the background, sometimes because they are not practical politicians, at other times because they become disgusted when they find out how the game is played and drop out from active participation.

INITIATIVE MEANS TO PROGRESS.

The initiative gives an opportunity to all who have anything of merit, to get it before the public for fair consideration. Teachers, professors, attorneys, lecturers, ministers, and others would then become active factors in improving and shaping our political institutions. The people would then get the full benefit of the wisdom and experience of their best minds. Now the influence of this class is almost lost, as it is impracticable for the greater part of them to take active part in politics, and, without doing so, their influence on political questions count for little now.

The initiative gives particularly an opportunity for progress and normal growth. No State or nation can maintain its efficiency and usefulness to its citizens that do not allow improvements freely to be made in the political field so it will conform to the changes that is constantly going on in other directions. One hundred years ago there were no millionaires, no labor unions, no railroads, telegraph or telephones, and no corporation or trust question. Checks and drafts were hardly in use, the terms "graft" and "government by injunction" were not yet invented, slavery was still flourishing and prohibition untried. Laws that would be suitable to deal out justice then would be inadequate now. As great or even greater changes may be expected in the future as in the immediate past, and the initiative would furnish the practical means by which we can keep pace with them in the political field.

Our revolutionary forefathers put this nation in a position far in advance of most others at that time. But the Constitution that was then adopted has hardly been changed since, while other nations have gradually been creeping up alongside of us and may eventually pass us if we remain stationary. Probably nine-tenths of the people desire that the United States Constitution shall be changed so the Senators can be elected by a direct vote of the people, but the difficulty of getting through an amendment is so great that it has been impossible to get even this popular change made.

HOW SHALL THE CONSTITUTION BE AMENDED.

That this great difficulty to amend the Constitution is an evil is now frequently admitted, and it has been seriously advocated that as an offset the courts should make such interpretations of the Constitution that it will fit modern conditions. Virtually this would mean that the courts could make additions to it. It would mean that if the Constitution was silent on any given question the judges could so interpret it that it would sanction a policy along the line favored by them. Thus, if the Constitution is not clear in defining State and national powers over corporations, the court could decide, if it thought such a course wise, that we should only have Federal regulation of corporations. If this power was given to the court it could not only usurp the legislative power and encroach on the power of the executive, but thwart the popular will and make self-government a farce. Under the most favorable conditions when the judges were able and honest, there would still be the objection that the decisions would establish policies regardless of whether a majority of the people approved them or not. But human nature is much the same among people of different professions, and where anyone has power over his fellows for which he is not accountable, it is liable to be abused. This is true of czars, kings, and slave drivers, and judges would prove no exception if they should assume the authority to build up a constitution by their decisions.

Under a popular form of government the orderly and common-sense way of improving and making needed changes in constitutions and important laws is to adopt an easy and simple method to get the expression of the people's will after reasonable deliberations. This is offered by the initiative and referendum. The initiative as the progressive part of direct legislation offers opportunity to the advance guard, the pushers, the thinkers, and idealists, to attempt leadership in constructive work, and spurs them on to their best efforts, the referendum as the conservative part always holding them back and preventing them from going faster than a majority of the people will follow.

DISREGARD FOR LAW.

There is at present considerable disregard for law. It is charged on the one hand that corporations and trusts manipulate elections and influence legislation in their favor, and on the other that anticorporation laws are often pushed through by dema-

gogues or in a spirit of revenge. It is known that in some cases lobbies are employed and bribery resorted to, and it is taken for granted that much more of the same kind of work is done that is not known. Having no respect for the source of the law, the laws themselves are disrespected. But let some of the laws be approved by a majority of the people and offer the same opportunity for all laws, and they will be respected. Nothing could give them as much force, prestige, and weight as the knowledge that a majority of the whole people were actually behind them, and all laws and constitutional amendments passed by the initiative and referendum would also have their meaning impressed on the consciousness of the people to a far greater degree and in a much more emphatic manner than is possible now.

REFERENDUM PRINCIPLE FAIR.

There is something so eminently fair in referring questions to the whole people and have them decide, as the jury does cases in court, that it appeals to a man's sense of justice. One instinctively feels that this much he is entitled to, and that no one has any right to ask for more. It puts into political practice the golden rule, to do to others as we wish to be done by.

People whose interests differ in many respects have, therefore, readily reached common ground in direct legislation. The Farmers' Alliance and Grange, the Federation of Labor and other labor unions, single taxers, prohibitionists, woman suffragists, and other reformers have repeatedly indorsed its principles. A large number of professors in colleges and universities of the United States favor it. Active political reformers such as Governor Johnson of Minnesota, Senator La Follette of Wisconsin, and Governor Folk of Missouri support it. So do 140 members of the last Congress, and if we are in need of more conservative authority we can get it from members of the United States Supreme Court. Associate Justice David Brewer said at a banquet in New York in November:

"The more constant and universal the voice of the people the nearer the approach to an ideal government. Initiative and referendum make public opinion the quality controlling. The more promptly and more fully public officers carry into effect such public opinion the more truly is government of and by the people realized."

ATTITUDE OF SOME OF THE MINISTERS.

Rev. H. S. Bigelow, pastor of the Vine Street Congregational Church, of Cincinnati, Ohio, wrote last summer to the New York Independent:

"My people consent to my leaving the church for a time, perhaps for two or three years, that my efforts may be exerted directly for this initiative and referendum measure in Ohio. If adopted we shall no longer have to wade through the mire of politics to get reform. Over the heads of the politicians in conventions and legislatures and councils we may make our appeal to the people direct. The corporations can not fight us in the secrecies of the lobby. They will have to come out in the open and meet us, not with bribes for lawmakers, but with arguments to the people. Every campaign will then have a distinct educational value, and we shall get progress as fast as the people want it.

"As things are now the reformer is under a serious handicap. We are living under minority rule. So many are the obstacles that no important change is made until not only a majority, but an overwhelming majority, favor it. It takes a torrent of public sentiment to break down the barriers with which corporations are able to resist reforms long after they have become popular. I do not leave my church to go into politics. I am leaving it to put an end to the necessity for the very disagreeable kind of politics which we now have."

In a circular letter addressed to the ministers and Christian people of California, a committee composed of pastors and laymen say, in part: "Civic reforms and revival of practical righteousness can not be secured by individual effort alone, without regard to environment and practical means of working. Our duty and responsibility as voters also requires us to secure a simple method by which Christian influence can be made most effective in promoting the public welfare. The best method yet proposed for nonpartisan political action is direct legislation. Will you not kindly aid this forward movement in the interest of morality? Delay is dangerous in this case."

This circular was signed by Thomas J. Conaty, Bishop of Monterey and Los Angeles; Geo. A. Gates, president of Pomona College; William Horace Day, pastor First Congregational Church; Robert McIntyre, pastor First Methodist Church; Hugh K. Walker, pastor Immanuel Presbyterian Church; Charles C. Pierce, pastor Memorial Baptist Church; A. C. Smither, pastor First Christian Church; W. W. Logan, pastor First United Presbyterian Church; Jarret E. Edwads, pastor Stevens African M. E.

Church; Herbert J. Weaver, pastor English Lutheran Church; E. P. Ryland, pastor Trinity M. E. Church South; C. C. Willett, pastor Orchard Avenue Baptist Church; A. W. Adkinson, presiding elder Methodist Episcopal Church.

In the East the general conference of the Episcopal Church devoted half a day's session a couple of years ago to papers and addresses showing that the referendum is a moral issue.

GIVES RESULTS WITHOUT BEING USED.

One peculiarity of the initiative and referendum is that it will accomplish the object for which it is adopted without the people having to make use of it to any great extent. For if the legislators know that the people can vote on any law they will be very careful in enacting them; and, on the other hand, if they know there are some means to get any question of merit before the people, the legislators will not be apt to go out of their way to hinder the enactment of good laws or the proposing of needed constitutional amendments.

OBJECTIONS CLASSIFIED.

Let us now consider some of the objections that have been made. Some of them are made by those who distrust the people and who really are not in sympathy with the spirit of our republican institutions. Other objections are offered from a purely conservative standpoint. That is, the opposition is largely against change of any kind. We need not go to China for examples to show that people have been slow to change from oppressive, unjust, or impractical political methods to better ones. When we look back through history and see with what tenacity people have hugged their delusions, how hundreds of thousands have sacrificed their lives to save the worthless head of a tyrant; how hard a fight was put up to retain the institutions of slavery, and similar incidents, we may well grow suspicious that we have not entirely outgrown this habit of giving such undue reverence to what we have become accustomed to, that we can not see its defects. We are all more or less inclined to endure what we have, too, rather than take the trouble of changing, even when we see that improvements could be made. Sam Walter Foss shows this up in "The Crooked Calf Path." It reads:

One day, through the primeval wood,
A calf walked home, as good calves should;
But made a trail all bent askew,
A crooked trail as all calves do.
Since then two hundred years have fled,
And, I infer, the calf is dead.
But still he left behind, his trail,
And thereby hangs my moral tale.

The trail was taken up next day
By a lone dog that passed that way;
And then a wise bell-wether sheep
Pursued the trail o'er vale and steep,
And drew the flock behind him, too,
As good bell-wethers always do.
And from that day o'er hill and glade
Through those old woods a path was made.

And many men wound in and out,
And dodged and turned, and bent about,
And uttered words of righteous wrath,
Because 'twas such a crooked path.
But still they followed—do not laugh—
The first migrations of that calf,
And through this winding woodway stalked,
Because he wabbled when he walked.

This forest path became a lane,
That bent and turned, and turned again;
This crooked lane became a road,
Where many a poor horse with his load
Toiled on beneath the burning sun,
And traveled some three miles in one.
And thus a century and a half
They trod in the footsteps of that calf.

The years passed on in swiftness fleet,
The road became a village street;
And this, before men were aware,
A city's crowded thoroughfare;
And soon the central street was this
Of a renowned metropolis.
And men two centuries and a half
Trod in the footsteps of that calf.

Each day a hundred thousand rout
Followed the zigzag calf about;
And o'er his crooked journey went
The traffic of a continent.
A hundred thousand men were led
By one calf near three centuries dead.
They followed still his crooked way,
And lost one hundred years a day.

For such reverence is lent
To well-established precedent.
A moral lesson this might teach,
Were I ordained and called to preach;
For men are prone to go it blind
Along the calf paths of the mind,
And work away from sun to sun
To do what other men have done.

They follow in the beaten track,
And out, and in, and forth, and back,
And still their devious course pursue,
To keep the path that others do.
But how the wise old wood gods laugh
Who saw the first primevial calf.
Ah! many things this tale might teach,
But I am not ordained to preach.

The objections may be divided in two classes: General objections to the principles, and specific objections to the details through which these principles are to be put into operation. Objections of the first class are hard to make in a republic.

STANDARDS OF REPRESENTATIVES MIGHT BE LOWERED.

One of the objections raised is that representatives would have less responsibility under direct legislation, which would tend to lower their standard. It has not worked so in other cases. It has raised the standard of rulers to take the absolutism of their power away from them, and the standard of members of constitutional conventions, who have their work passed on by the people, is not below, but rather above, legislative members. There is the serious objection to present methods, however, that representatives have been given so much authority that they are being spoiled. Many of them have become arrogant, while a large portion of the people have lost interest in public affairs because they feel that they can do little and that nothing is expected of them. If a check is put on the representatives and a stimulant given to the people, the result will be of mutual advantage to all.

PEOPLE NOT INTELLIGENT ENOUGH.

Another objection is that the people are not intelligent enough. This same objection has been offered at every stage of advance made against absolutism and it is not surprising that it should be repeated. It was raised when this Republic took a start, but experience has proved that it was not well founded. It was raised when Switzerland proposed to make use of the initiative and referendum, but the testimony is strong that the people have exercised their powers wisely and have reached splendid results. There can be no good reason for raising it here and now. If the people are admitted to be intelligent enough to decide the issues as they do now, when various questions are bunched together and must be accepted with, and inseparable from, certain candidates, certainly it is improper to claim that they are not intelligent enough to decide one single question standing separate and alone. The people know better what they want than others know it for them, and what really is feared is that the people are intelligent enough.

Who are the people anyway? One might think they are all the fools left after all the wise men had been sent to the legislature, to hear some talk. They do not seem to realize that many commonplace and some foolish men are made legislative members; that most of them are not returned; that not all are honest; that there are more men of legislative experience outside than inside the legislature, and that there are thousands of men in the State as intelligent and competent to judge what proper legislation is, and in many cases more so, than those who may be thrust temporarily into power as lawmakers.

PEOPLE WILL NOT VOTE.

People are too apathetic and will not vote on measures, object some. The answer is that all who ought to vote will do so. There has been considerable agitation for educational qualification for voters. The ignorant will vote for men as readily as the more intelligent at present. It is enough for the voter to know that he don't like Smith, but that Jones is a good fellow, when he votes for men, but when he is brought face to face with a law or an amendment to the Constitution that he does not understand, he knows just what he ought to—abstains from voting, and thus he disfranchises himself automatically without needing law for it.

PEOPLE TOO ANXIOUS TO VOTE.

Another objection that is almost the exact opposite of the former one is that people are too impulsive and radical. There is less reason for making it against direct legislation than a purely representative system. Hasty action can be and sometimes is taken by such a small body as a legislature during excitement. Such quick results can not be reached by the people, but a question must first be discussed and deliberated on before it can be disposed of by them. Experience in Switzerland shows that the people are conservative, and will vote "no" until they are convinced that "yes" is right. There the conservatives are the staunch supporters of direct legislation for that reason.

PEOPLE MIGHT BE CORRUPTED.

Still another objection is that the people, too, might be corrupted. It is not practical to get through a measure before the people by bribery. There would be too many to buy even if they would accept bribes. But they would not accept them. Even if they were not honest, they would not vote against their own interests, and corporations could not afford to pay more for the laws they desired than they were worth, while now they only have to center their efforts on a few individuals.

OBJECTION TO THE NORTH DAKOTA AMENDMENT, UNCONSTITUTIONAL.

It is unconstitutional, they say. This objection is a common one to everything. One of the reasons assigned for claiming this bill to be unconstitutional, is that it amends several sections of the Constitution, but refers to only one in the title. There are no grounds to fear that it will be found defective on that account. Among various reasons for this statement is the following: The Oregon amendment was drawn like ours in this respect. The provisions in the Oregon constitution in regard to amending it, expressing the subject of the bill in the title and the different sections affected by the referendum amendment, are the same as in our Constitution. The Oregon amendment went before the supreme court of the State and was sustained. The attorneys who tried to have the amendment overthrown do not seem to have considered the question raised here worthy of attention, and some of our best attorneys say there is no good reason for the contention.

PROPORTION OF SIGNATURES TO PETITIONS TOO SMALL.

The proportion of signatures required on a petition for the initiative and referendum is too small. This seems to be the first objection raised wherever direct legislation is introduced, but which is heard no more of after direct legislation goes into operation. The number of signatures should be so high that trivial or foolish questions can not easily be forced on the people for their consideration, but not so high that it will prove a hardship or a serious obstacle to get meritorious questions up for decision. If this amendment should go into effect it would then, or soon thereafter, require 8,000 voters to order an initiative. This might not be difficult if the question was well understood and thoroughly discussed beforehand, but the initiative would more frequently be used on questions that are comparatively new. Those who undertook to get the signatures would have to do so for the public good and without compensation. They would have to spend time and money on correspondence and securing stationery,

and a large number of men would have to be found that would volunteer to circulate petitions. If each one got 20 names it would require 400 men to collect 8,000 names.

Five per cent for the referendum and 8 per cent for the initiative is the rule in Oregon and most other States, while in Switzerland less than 4 per cent is required to initiate laws or amendments to the constitution. There is no complaint from other States that the proportion of signatures they have decided on is too small, nor is there any demand for a change. It seems that the most reasonable thing for us to do is to adopt such a proportion of signatures as other States have found to be proper until such a time as we have learned by our own experience that a different proportion is better.

SHOULD INITIATIVE APPLY TO CONSTITUTION?

Another objection to our amendment which does not appear to be commonly made to similar bills in other States is that the initiative can be used for amending the constitution. There is no good reason for the objection. We now have the referendum for the constitution and all amendments in every State in the Union but one—Delaware. As the more important and fundamental part of our laws the constitution has been dignified by having it approved by the people at the polls before going into effect. Now will we not only raise the common laws to the same dignity by extending the referendum to them, but raise them to a higher level even than the constitution by applying the initiative to them but not to the constitution? If the referendum and initiative both were applicable to laws, it could truly be said that the people could get any law that the majority desired. But this could not be said of the constitution if the initiative could not be used for it, for there would then be no means to get amendments before the people for their decision except as they are doled out by the legislatures. We would then have popular laws, but lack popular constitutional provisions. Can we consistently claim that legislatures are not good enough to have absolute power over laws, but they are good enough to have absolute power over the more important function of deciding what constitutional amendments the people shall be permitted to vote on? Is there any sense, for instance, in insisting that even though a very large majority of the intelligent people believe that the United States Senators should be elected by a direct vote they should be prevented from making the change by extraordinary difficulties—be compelled to await the sweet will of a bunch of politicians in the United States Senate that are beneficiaries under the present system?

CONSTITUTION SHOULD BE STABLE.

Some say that we want a stable and safe constitution. Yes, but that does not mean a stationary one. Large bodies move slowly. People are naturally conservative. They progress only gradually, and that constitution is most stable and safe that just keeps pace with them. The United States Constitution has practically remained unchanged one hundred and twenty years, and it is now proposed to bring it up to our times. How? By holding a constitutional convention and building a new Constitution. This is the stability of the present system—jumping forward one hundred and twenty years in one jump. This surely is going steady by jerks. It is like the balky horse pulls his load. Much safer would be the constitution that could be built up step by step through the initiative and much more stable in the true sense of the term.

If the initiative and referendum could have been used during the agitation of the slavery question there probably would have been no civil war. After the war had started President Lincoln tried to have it stopped by making use of these principles. He sent Edmund Kirke and Reverend Doctor Jaques, colonel of the Seventy-third Illinois Volunteers, to Jefferson Davis, president of the Confederacy, to propose that the issues in controversy should be decided peaceably by a vote of all the citizens of the United States. This proposition was turned down by Mr. Davis. The majority won anyway, but by bullets instead of ballots. But there can hardly be any doubt that if there had existed some means by which the people could have expressed their will directly there would have been no war.

Those constitutions and laws are safest that are backed up by a majority of the people and that country and state is safest that furnish proper means for learning what constitution and laws the majority will back up.

TOO EASY TO AMEND.

Some think that it will become too easy to amend the Constitution through the initiative. On the contrary. Now an amendment is passed through two legislative assemblies and comes, without hardly any agitation, almost stealthily, and frequently

as a surprise, before the voters at the polls. That is easy—for all amendments that it suits the legislature to submit. But an amendment started by the initiative comes into publicity from the beginning. Before the petitions have been completed it must be discussed and fairly well understood. It is then discussed before the legislative assembly, which may offer one of their own on the same question to be sent in competition with the other before the people for them to take their choice. Under these circumstances the people will not only have to understand the principles, but the details, too, will have to be scrutinized. Then dull and indifferent would those voters be who would meet the question in the booth unprepared.

CONSTITUTION FUNDAMENTAL.

But the constitution is fundamental and is in no great need of change, they say. In the North Dakota constitution there are certain fundamental clauses such as that: "All political power is inherent in the people; that North Dakota shall be a part of the Union; that we shall have trial by jury and no slavery." But as not only a majority, but practically all the people, believe in these principles, they should in no way be affected if the initiative could be applied to the constitution. But in addition to some fundamental declarations in line with what has been stated, the North Dakota constitution deals with a mass of detail. It prescribes in detail how the legislative assembly shall conduct its business. It gives the number of State officers and the exact salary in most cases. It prescribes methods of taxation that we have already found it necessary to change by two amendments. The fact is there is much ordinary legislation incorporated in the constitution, and when conditions change there will be the same need of changing that as there is of changing laws.

Sometimes it is not that what is in the constitution is wrong, but that which we need is not in it at all.

HOW PEOPLE VOTE.

In 1906 ten questions were submitted to the voters of Oregon through the initiative. To the objection that this was too many for one election, one of Oregon's prominent attorneys answered that the objection was more apparent than real, for these were questions that the people wanted submitted before, but were prevented by politicians.

The following were the questions:

Woman's suffrage amendment: Yes, 36,928; no, 46,971. Rejected by 10,043; total vote, 83,899; vote for governor, 96,715.

Modification of local option law, proposed by antiprohibitionists: Yes, 35,397; no, 45,144; rejected by 9,747; total vote, 80,541.

For a law abolishing tolls on the Mount Hood and Barlow road and providing for its ownership by the State: Yes, 31,525; no, 44,525; rejected by 13,000; total vote, 76,050.

For constitutional amendment providing method for amending constitution and applying the referendum to all laws affecting constitutional conventions and amendments: Yes, 47,661; no, 18,751; approved by 28,910; total vote, 66,412.

For constitutional amendment giving cities and towns exclusive power to enact and amend their charter: Yes, 52,567; no, 19,942; approved by 32,625; total vote, 72,507.

For constitutional amendment to allow the State printing, binding, and printer's compensation to be regulated by law at any time: Yes, 63,749; no, 9,571; approved by 54,178; total vote, 73,320.

For constitutional amendment for the initiative and referendum on local, special, and municipal laws and parts of laws: Yes, 47,778; no, 16,755; approved by 31,043; total vote, 64,513.

For the antipass law: Yes, 57,281; no, 16,779; approved by 40,502; total vote, 74,060.

For a law requiring sleeping car companies, refrigerator car companies, and oil companies to pay an annual license on gross earnings—proposed by the Grange: Yes, 69,537; no, 6,440; approved by 63,195.

For a similar law taxing express, telegraph, and telephone companies, also proposed by the Grange: Yes, 70,872; no, 6,360; approved by 64,512—11 to 1; total vote, 77,232.

NO REASON FOR PREVENTING VOTE ON EITHER CLASS.

Here are five proposals for law and five for amendments to the constitution, three of them being rejected and seven approved. In looking over this list is it possible for anyone to find the least reason for preventing the people from voting on one class and not on the other? Is it good policy, is it just to prevent people from having what they show they want by such decisive majorities? Is it anything but quibbling to say that the people might vote on the taxation of corporations, but not on extending the initiative and referendum to cities until the politicians permitted them? Would it not be

a burlesque on popular government to allow people to vote on a Mount Hood and Barlow road proposition that only 31,000 favored, but deny them the right to vote on the regulation of the State printing that nearly 64,000 were in favor of?

In Switzerland constitutional amendments can be initiated by the people; in Oregon the same. We have heard no complaint from either place that this provision does not work well, or any intimation that the initiative ought not to be applied to the constitution. Oklahoma has adopted the same principles, and a copy of the Oregon amendment will no doubt be adopted by the people of Missouri next election. The initiative adopted by the late constitutional convention in Michigan provides for amending the constitution alone and can not be used for statutory laws at all. It did not occur the people of these States that the people should have less voice in shaping the constitution than the laws, and thus reverse the former policy which gave them a greater and more direct control over the constitution than the laws.

AFFECTS RESUBMISSION LIKE OTHER QUESTIONS.

But we might have resubmission, they say. We certainly can have that question raised as well as any other, but what of it? Must we offer a different bill in North Dakota and Maine from the one we offer in Oregon and Missouri? Can we have complete direct legislation—complete rule by the majority in the States where there is no prohibition, but not in States where prohibition has been introduced? In that case, fortunate were Switzerland and Oregon that they had no prohibition to prevent them from getting an ideal government.

PEOPLE'S RULE AND PROHIBITION NOT INCONSISTENT.

There is nothing inherent in prohibition, however, that should interfere with us having a popular government in its full sense and based on the principles of majority rule. Oklahoma adopts both direct legislation and prohibition complete, without reservations or exceptions, and commenting thereon the Methodist Sunday-school paper, the Epworth Herald, of March 30, 1907, has the following editorial: "A new State is coming into the Union. And it comes with a new standard. For over a hundred days the constitutional convention of Oklahoma has been in session. It has completed its work at last. And a fine piece of work it is. Here are some of the things for which this new State—the star of the Southwest—stands: Initiative and referendum," and so forth down the list. The Herald emphasizes the prohibition clause, but puts the initiative and referendum first on the list of good provisions. Nothing inconsistent between the two propositions was found there.

There was no reason that it should appear differently in this State, but as soon as it was introduced the opponents of the bill sought to discredit it by the cry of "resubmission." Still 5 resubmission members voted against it in the house last winter on its first passage and 2 against it the second time, when 24 Prohibition votes were cast for it. That this cry of resubmission had a tendency to increase the relative vote of resubmissionists for the bill there is no doubt, but it was brought about, not by the friends, but by the enemies of the bill, and they should not find fault with the result.

PROHIBITIONISTS ADVOCATES OF DIRECT LEGISLATION.

It would come with poor grace for temperance people to oppose a complete direct-legislation measure, as they have advocated these principles persistently in other States and the nation. The late Miss Frances Willard, president of the National and World's Women's Christian Temperance Union, expressed herself as follows, with full knowledge that it would be published:

"I believe in direct legislation and think it is so greatly needed that language can not express the dire necessity under which we find ourselves. The reign of the people is the one thing that my soul desires to see; the reign of the politician is a public ignominy. I also believe that direct legislation is certain to become the great political issue in the immediate future. The people are being educated by events. They are coming to see that there is no hope for reform under the existing system of voting. It is the duty of every citizen to carefully study this great question."

John G. Woolley, Prohibition candidate for President, temperance writer, and lecturer, says: "It ought to be possible for the people to order a plebiscite upon the liquor question or any other question that seems great enough to them. * * * The initiative and referendum would be dignified, conservative, simple, safe, powerful. * * * I am by instinct and training an adherent to the Hamiltonian idea of government, but my reason, my intelligence, impels me to assent to direct legislation as necessary to the continuance of our free institutions."

Hon. W. E. Johnson, an active Prohibitionist, who was sent as a special Government officer to enforce the prohibition laws of Indian Territory, and who there worked for both prohibition and referendum clauses in the Oklahoma constitution, writes: "Practically every Prohibition convention of recent years has indorsed the principles of direct legislation, and practically all Prohibitionists are in favor of it. I firmly believe that in the long run the prohibitionists everywhere have everything to gain and nothing to lose by the adoption of the principle." Later he says: "As a matter of fact, the Prohibitionists have got to trust the people whether they want to or not, both with the enactment of prohibitory laws and the enforcement of the same. The prolific source of trouble in the past is that the people have had too little to do with the enactment and the enforcement of the laws relating to the liquor traffic."

Mr. F. McKercher, member of the national Prohibition committee from Oregon, writes: "The idea is, of course, preposterous that the people can not get an amendment to their constitution submitted until two sets of servants say they may—the ones you have now and the ones you may have one or two years hence. * * * I trust the Prohibitionists will not resist the amendment at the polls. Certainly the public sentiment against the saloons is stronger everywhere than when North Dakota adopted her constitution, and there ought to be no danger of reversal."

"It is also gratifying to know that so many of the faithful supporters of the prohibition cause in North Dakota favor the initiative and referendum complete, regardless of whose ox is gored."

Prof. H. H. Aaker, of Fargo, whose political work has largely been done for prohibition; Hon. George B. Winship, whose influence through the Herald, has been instrumental to quite an extent in moulding and upholding prohibition sentiment; ex-Senator James McCormick, of Churches Ferry, and ex-Senator Richard McCarten, of Cogswell, who both have been consistent champions of prohibition; John Carmody, of Hillsboro; a large number of the professors of our higher institutions of learning, and a great many others, of course, besides a good portion of the papers of this State.

The Grafton News and Times says: "Much is being written about the attitude of Prohibitionists toward the proposed initiative and referendum law. Some opine that the prohibition sentiment is strongly against the law, because it will give the State an opportunity to resubmit the prohibition question to the voters. This opinion seems to be overdrawn. There may be those to whom the prohibition question has become a hobby so strong that reason has been lost sight of, but that the mass of an enlightened public should so regard it is impossible. The best law ever made is tyranny, when opposed to the will of a majority of a free people. The initiative and referendum, if carried into effect, will mean that the citizens of the State will have a direct voice in making the laws. It is reform, sweeping, magnificent. To oppose it because it affects any one measure is absurd.

"Furthermore, the prohibition law would be in no danger from resubmission. Prohibition is marching forward, not backward. A proposition to legalize saloons in North Dakota would be voted down by a tremendous majority. To be sure, the law as it stands, is not entirely effective, but what it needs is improvement, not repeal."

The St. Thomas Times says: "The Times is not sure that the initiative and referendum bill passed by the last legislature is absolutely right. The percentage of votes required on a petition to change the constitutional provision seems exceedingly small. However, our prohibition friends are certainly acting in a most inconsistent manner when they oppose the new idea, simply on the ground that it will give the people a chance to vote again on the question of constitutional prohibition. Majority rule is a fundamental principle of republican government. Without a complete and willing acquiescence of the minority to the will of the majority, no democracy can long exist. If the present constitutional provision is being retained by virtue of a minority sentiment, then the majority should have the right to change back to the open saloon. The timid Prohibitionist who fear the record of the vote is damaging the cause of prohibition. The law has been of great benefit. It has been advantageous to the whole State, as a commonwealth wherein a high state of morals obtain. It has been beneficial to the individual citizen from both a moral and a financial standpoint, and it is absurd to fear the result of another vote on this question. With the record of eighteen or twenty years of prohibition, the majority for its retention, in the event of another vote, would be overwhelming."

COMPROMISE BILL NOT PRACTICAL.

It has been suggested that a compromise might be made, so a direct legislation bill could be carried without a fight. This could not be done if attempted. It would mean two years more to wait and a new bill. There is no one authorized to make any agreement or that can guarantee that one made will be carried out. A compromise was

made in the house last winter so constitutional amendments could not be reached by the initiative, but the senate did not agree and put the amendment in again. If we are to continue wrangling about the form of the bill, we may have no bill at all. If this bill is to be defeated let those take the responsibility that bring it about. It is as good as the direct-legislation people of the United States can write. It is satisfactory in other States where they have some experience along this line. It is consistent with the fundamental idea of direct legislation, that the majority shall rule. About one-third of the direct legislation organizations in the United States bear the name of "Majority Rule Leagues," implying that this a synonym for direct legislation.

"MAJORITY RULE" THE FUNDAMENTAL PRINCIPLE OF DIRECT LEGISLATION.

When some say they are in favor of the principles of direct legislation, but opposed to certain features, it shows that they are not familiar with the construction direct-legislation people put on the term. As a rule they are not in favor of the full initiative and referendum or majority rule at all, but for such application of it as suits them and against it where it does not suit them. One who is thoroughly in sympathy with the principles of direct legislation must be fair enough to accept the verdict of the majority, even when the majority goes against his wishes. As an illustration of what some understood by being in favor of direct legislation, take the Montana amendment. It was trimmed up in Heinze's and Clarke's stronghold to suit the corporation interests. Under its provisions the Constitution can not be amended through the intiative. Neither the initiative nor the referendum can be used on laws affecting constitutional amendments or constitutional conventions, nor can they be used for laws that are local, nor for appropriation laws, nor for laws that are special. There are several other restrictions to their use, so that the exceptions cover more ground than the rule. The people of Montana asked bread and got a stone. It was a copy of this bill that was introduced in North Dakota last winter and came very near passing. It did not come as near giving direct legislation as McKenzie's bill did to giving primary election, and that was called a fake and an abortion. Under the Montana amendment only two of the ten questions that were voted on in Oregon last election, could have been submitted to the people. The other eight would have been barred.

Some such freak of a bill or one with even more restrictions would have to be proposed if the people should be prevented from voting on prohibition. For there would be little or no advantage to prohibition to shut off the vote on constitutional amendments if prohibition laws could be freely submitted. This piecemeal adoption of direct legislation, however, is much like the method of dehorning adopted by the farmer who sawed off a piece of the cow's horn each day so it would not hurt so much, and the results will no doubt be equally satisfactory.

PROHIBITIONISTS NOT JUSTIFIED IN OPPOSING IT.

Prohibitionists of North Dakota profess to favor direct legislation. But if they oppose this bill they must oppose the fundamental principle of direct legislation, ignore all the advantages that it gives, and go against it solely because prohibition as well as other questions can be voted under it. Yet they can not hope to prevent resubmission from passing through the legislature under our present system if the resubmission sentiment has a majority of the people behind it any more than the Prohibitionists of South Dakota could under similar circumstances.

About the only justification offered for Prohibitionists to oppose direct legislation is that the liquor interests might flood this State with lies after they had raised a large campaign fund. But the conditions are different now than before. Then they could lie about Maine, now they will have to lie about North Dakota, and if they do, we will know it. The people have tried prohibition all these years and know how it works. The saloons that formerly were strong and fought desperately to save their business are all gone, too. Furthermore, Prohibitionists now have several strong temperance organizations. They have trained speakers and a large portion of the press of the State behind them, and should welcome the opportunity that direct legislation would give them to make their majority effective in getting what they want without asking by your leave of any politician.

No public question should be considered from the narrow and selfish standpoint of how it will affect oneself only, but from the broad and patriotic one of how it will affect the largest number of people. Will the initiative and referendum be a detriment or a blessing to the people of the State, is the question that Prohibitionists and anti-Prohibitionists, Republicans and Democrats, insurgents and stalwarts should solve, and if due regard is given to results elsewhere and this question is considered seriously, honestly, and without prejudice there can be only one answer.

OREGON AND NORTH DAKOTA COMPARED.

In Oregon a practical primary election law was adopted in 1904, through the initiative without any friction or disrupting of political parties, and by such a decisive majority that all opposition was silenced. In addition to this, local option, taxation of corporations, initiative and referendum for cities, antipass legislation, home rule for cities, and several other questions were taken up through the initiative, discussed and disposed of in the most orderly manner, according to the wish of a majority of the people. During this same time we have been carrying on a terrific battle in North Dakota about primary elections, and after much political complications got through a law that is more ambiguous and less complete than the primary law of Oregon, and we have done nothing at all about all the other important measures that the people of Oregon have finished up. We have done our share of agitation in this State about corporation and railroad domination in politics. The complaint has become chronic here that our legislators do not comply with the wish of the people; that political bosses dictate legislation; that corporations are favored at the expense of the people; that the old gang control politics, and that the railroads charge too much for their services and pay too little of the taxes. Now, what are we going to do about it? Are we going to take action and make use of an effective means to correct these evils, or are we only to continue to howl about them and follow the calf path?

In Oregon there were formerly similar complaints. They adopted complete direct legislation, and the people commenced at once to adopt constitutional amendments and laws for adjusting their relations to the politicians, railroads, and other corporations as the people wanted them. A bill taxing certain corporations 1 per cent on their gross earnings having been defeated by the legislature, was afterwards proposed through the initiative after the 1 per cent taxation had been changed to 2 per cent. It was carried at the polls by the overwhelming vote of 11 to 1. Notice the contrast. Under a purely representative system the people's representatives refused to tax these corporations 1 per cent, under direct legislation the people taxed them 2 per cent by a vote of 70,872 for to 6,360 against. The people of Oregon have quit fooling and gone to work. Would it not be better for us to do the same—

> To continue following in the beaten track,
> And out, and in, and forth, and back,
> And still our devious course pursue,
> To keep the path that others do?

FARMERS SHOULD NOT BEG BUT ACT.

Think what a spectacle it is for the farmers of North Dakota, with such an overwhelming majority as they have, to ask meekly, please, Mr. Representative, please, Mr. Politician, may we not get a little law against the corporations, just a little; or please, Mr. Representative, we humbly petition, can we have just a very small appropriation for the farming interests? More sensible it would be for the farmers to insist on getting the initiative and referendum, and then say to their representatives: "Do our bidding, and if you can't or won't, we will help ourselves to what we want."

JEFFERSON AND LINCOLN INDORSE.

The Democrats hark back to Jefferson, the Republicans to Lincoln. These men had this in common, that they had absolute faith in the people. They both believed in a popular form of government and that the people should rule.

Jefferson said: "Governments are republican only in proportion as they embody the will of the people and execute it."

Lincoln said: "Allow all the governed an equal voice in the government, and that and that only is self-government."

No more direct indorsements could be made to the principles of the initiative and referendum, nor could the authority be better. The people never had more able or faithful friends than Jefferson and Lincoln. We will do them honor and vastly benefit ourselves if we adopt direct legislation. No other reform ever received such strong and unanimous indorsement when tried as this, nor could anything be more timely or suitable to remedy the very political ills we complain most of.

APPEAL TO THE PEOPLE.

You are the people. It is for you to say what questions you want to vote on, which to adopt, and which to reject. There is no sense in preventing yourselves from doing what you may want to do. Demand of your representatives that they submit this

amendment to the people, so you can decide whether you want it or not. Adopt the initiative and referendum and take your stand as independent men. Do not consent any longer to have guardians appointed over you, but run your political business as you do your other business. Direct your servants, prevent corruption, cut down expenses, ask for justice, and take no less. This will give such a training that the standard of our citizens will advance immeasurably. They will gain in intelligence, become more self-confident, and develop a keener sense of right and wrong. Patriotism will be greatly increased when all citizens take an active part in government and consider it truly theirs. The voters will then become worthy of the name they are given in a republic—"sovereigns," and the great questions of corporations, trusts, labor and capital, prohibition, etc., will then be met without dread. Life will then be worth more to us, for—

> We live in deeds, not years, in thoughts, not breaths;
> In feelings, not in figures on a dial.

Appendix XI.

National Programme.

THE RESTORATION OF THE PEOPLE'S RULE AS THE RESULT OF THIS YEAR'S CAMPAIGN.

This is to be accomplished by cooperating with the progressive parties and their candidates, the plan being to systematically question the candidates of both great parties, asking them, in substance, "If elected, will you vote to restore the people's rule?" This will raise an issue which the people will understand and will vote for.

One hundred and fourteen members of the present National House were thus pledged. The questions were presented by the National Federation for People's Rule, with the indorsement of the American Federation of Labor. This year the questions will also be indorsed by some of the farmers' organizations, while the National Federation for People's Rule is merged into this Initiative and Referendum League, above described. You are invited to join.

PROPOSED SYSTEM FOR OBTAINING NATIONAL LEGISLATION AND CONSTITUTIONAL AMENDMENTS.

One in which—

1. The voters will possess an option to ballot direct on national questions and thereby instruct their representatives; and

2. The representatives will be pledged to obey instructions.

This will merely restore the right which the people possessed before the State and national party conventions arose, during 1823–32. At town meetings in New England, and elsewhere at mass meetings, the people instructed at will. The modern system is the advisory initiative and advisory referendum combined with the pledging of candidates to obey instructions. This advisory-vote system can be established by a Federal statute and State statutes, as the result of this year's campaign.

Then the system can be used to secure legislative reforms and Constitutional amendments, including one for the initiative and referendum.

THE QUESTIONS TO CANDIDATES.

For Congress:

1. To vote for the proposed Federal statute; and

2. To obey instructions, by constituents.

For Presidency:

1. To approve the proposed law whenever Congress shall pass it; and

2. To obey the people's instructions.

For legislatures:

1. To vote only for such candidates for the United States Senate as are pledged to the above programme.

2. To vote to so instruct the hold-over Senators.

3. To vote to enact a statute authorizing the people to secure a special election to instruct their United States Senator should he refuse to obey the legislature's instruction.

4. To vote to enact a State law that shall provide election machinery for taking a referendum vote on national questions whenever Congress shall so order.

For governor:

To sign the foregoing bills if the legislature shall pass them.

State Programmes.

To be agreed upon within each State.

County Programmes.

To be agreed upon within each county.

Nonpartisan Union of Patriots.

All who are opposed to the rule of the few, whether by machine politics or vested interests behind machine politics, certainly favor the restoration of the people's rule—their own rule. The American Federation of Labor and some of the farmers' organizations have indorsed the initiative and referendum league's questions to candidates. Will you, too, join the movement?

An Ideal System of Advisory Initiative.

The nonpartisan forces are agreed that the questions to candidates shall include a request for an initiative system in which the measures will be filed with the Secretary of State and copies shall be transmitted by him to Congress, where public hearings will be held, in the usual manner. Competing measures will be framed by Congress if it shall so desire. Arguments for and against each measure should be framed by representatives of the petitioners and of Congress. This written debate, together with the proposed measures and the referendum questions, should be printed by the Government and a copy of the pamphlet mailed to each voter. Thus the truth can be gotten to the voters, and nothing short of this procedure will accomplish it.

On election day the ignorant and careless voters will automatically disfranchise themselves, as in the past, by failing to mark the referendum questions.

Constitutional amendments and legislative reforms can be voted upon by the people at the November (1910) election, and such bills as receive a majority of the votes in a majority of the Congressional districts and in a majority of the States will be enacted into law at the following session of Congress.

Only Pathway to Reasonably Prompt Relief.

This programme is the only pathway to reasonably prompt relief. The Senate is the monopolists' Gibraltar, and the only way to get progressive legislation through it during the next three years is by means of this programme. See questions to candidates for the legislatures.

And Better than a Constitutional Convention.

The advisory initiative will be better than a constitutional convention, because—

1. There will be no monopoly of the power to propose amendments.
2. The advance will be conservatively progressive, for of course the constitutional limitations against confiscation will remain intact, the Supreme Court firmly stand, and both the Executive Departments and Congress still be controlled by an old-line party. But the people will have become the sovereign power.

Strategic Points in the Programme.

1. The demand is for the restoration of the right to instruct, and the system can be installed by statute law in combination with the pledging of candidates to obey instructions.
2. We do not demand direct legislation in combination with Congress, because a constitutional amendment would be required, which can not be secured through existing machine rule. Furthermore, such a system of government would be new, and therefore the plan would be accepted less readily than the one for the reestablishment of the right to instruct.
3. Restoration of the right to instruct has become the paramount issue, because the system can be completely installed as the result of this year's campaign; whereas it would have been impracticable to make the initiative and referendum the great issue, as it would have taken years to install them, even if it were possible to secure the constitutional amendment.
4. Ours is the only programme whereby reasonably prompt action in the Senate can be secured.

5. Legislation by the Supreme Court has outlawed the farmers' unions and labor unions, and the Senate will undoubtedly uphold this ruling until the people instruct otherwise.

6. Years ago the Supreme Court judges installed government by injunction, the main effect being to abolish jury trial in labor cases; and Congress and the President have continued the system. Where the people's rule has been restored it has resulted in the reestablishment of jury trial, as is evidenced by the law in Oklahoma and the absence of government by injunction in Oregon. In Montana the initiative is being used to abolish government by injunction.

7. Valuation of the physical plants of all the interstate railways, and of the other natural interstate monopolies can quickly be secured through the national advisory initiative, and in no other way.

8. Legislation authorizing combinations of capital engaged in interstate commerce can quickly be secured through the national advisory initiative, and the governmental regulations will be such as will really protect the people.

9. Through the national advisory initiative a tariff bill in the interests of the majority can be enacted. Such a law will protect those who work, as is the case in Switzerland.

10. Through the national advisory initiative the nullification of State prohibition laws by Congress can be terminated, and national legislation on child labor and other important measures can be secured.

11. A statute can be secured for proportional representation in the National House, whereby each industrial interest will be represented in proportion to its number and by its greatest leaders.

12. Statute law can be secured for direct nomination of candidates for the Presidency and Vice-Presidency.

13. Constitutional amendments can be submitted for direct election of United States Senators, and for the initiative and referendum.

14. The Supreme Court will be continued, and its jurisdiction will not be encroached upon; but its judgments will no longer be final for the people's sovereignty will have been restored.

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